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THE ATLANTA PRISON CONGRESS.

The annual meeting of the National Prison Association in Atlanta, Georgia, November 6–12, was the fourth of what is known as the "second series" of such meetings (not counting among them the "Wardens' Meeting" at Chicago in December, 1884). The first series included the prison congresses at Cincinnati, Baltimore, St. Louis, and New York, during the lifetime of the Rev. Dr. E. C. Wines. The second series, since the reorganization of the association under Mr. W. M. F. Round, includes those of New York, Saratoga, Detroit, and Atlanta. The next congress will assemble in Toronto, in the Dominion of Canada, on the 10th of September, 1887.

We give our readers the following summary account of the proceedings :

FIRST DAY—SATURDAY.

A few minutes after eight o'clock in the evening, at the Opera-House, ex-President Hayes, the president of the association, called the congress to order.

Prayer was offered by the Rev. Dr. Eddy.

Ex-Governor Bullock, of Georgia, presented ex-Mayor Goodwin, of Atlanta, chairman of the local committee of arrangements. In the speech of Governor Bullock he alluded to the fact that, at the close of the Civil War, the military governor of Georgia "found himself with a large number of convicts on his hands and no money in the public treasury. A brilliant lawyer, a gallant soldier, and a strict disciplinarian, he conceived and put into execution the leasing of convicts to contractors for public work outside the penitentiary buildings. This," he continued, "so far as I know, was the beginning of the system of 'convict lessees.'" He complimented General Hayes on the recollection that to him and to the governor-elect of Georgia, General Gordon, more than to any others, is the South, and indeed the whole country, indebted for the era of peace and unity which we now enjoy.

Mayor Goodwin, after a few words of welcome, introduced Governor McDaniel, who proceeded to deliver a finished, thoughtful, and eloquent address on the importance of the topics to be discussed. "The subject," he said "is not an attractive one. It requires patriotism in reference to the country, and living, human sympathy in reference to our fellow-men, and the charity that looks at crime more in sorrow than in anger, to induce men to consider it in all its bearings. Unfortunately, extraneous considerations affect the question in all its phases ; sometimes prejudice, sometimes imperfect knowledge of essential conditions, sometimes the practical necessity of relieving over-burdened tax-payers of the expense of maintenance of prisoners, and sometimes the character of the classes which furnish the mass of criminals. The subject presents difficulties which would discourage other than unselfish, philanthropic, and patriotic men and women, who love their country, its traditions of liberty, its civilization, and, above all, who seek to ameliorate the condition of its unfortunate classes, from whatever cause they rest under the ban of society."

The present mayor of Atlanta, Mr. Hillyer, pronounced a splendid eulogy on his city and her people, which is the only city of 60,000 inhabitants in this country, in which not a bar-room nor a gambling-house is to be found, and which has more churches, more church-sittings, and more people in attendance at church on Sundays than any other city of equal size.

President Hayes read the opening address, in which he related the history of the association and explained its aims. In closing, he referred to his visit to Atlanta in 1881, and, replying to Governor Bullock's allusion, remarked : "If I have been able to do any thing in the direction of the restoration of peace to the country, I account it a reason for rejoicing." On his taking his seat the band played a medley of national airs, in which the strains of "Dixie," were blended with those of "Yankee Doodle," "Hail Columbia," and "The Star-Spangled Banner," and which provoked tremendous cheering.

The speech of the evening, however, was made by Mr. Henry W. Grady, of the *Atlanta Constitution*. He recalled the history of the founding of Georgia by Oglethorpe, a prison reformer, and declared that the colony of Georgia was the first political community in the world to open its arms to settlers of every nationality and creed, the first to enact a law prohibiting the sale of ardent spirits, and the first to prohibit human slavery upon its soil. It was a magnificent oration, and nearly every sentence was greeted by tumultuous applause. We can give no idea of the effect produced by it.

General Gordon was loudly called for, but declined to speak. He received an ovation from the large audience present.

The hour was late, when this, the opening session, was finally declared to be adjourned.

SECOND DAY—SUNDAY.

At the hour of morning service an immense audience assembled in the First Baptist Church, where the front seats had been reserved for members of the association. A double quartette rendered some fine selections of sacred music with taste and skill, and the congregational singing was hearty and excellent. The sermon, by the Rev. Dr. Haygood, was on "The Reformation of Prisons." The part of it which elicited the most profound attention was that in which he spoke of the "lessee system." He said that it would never have existed, would never have been thought of, but for money considerations. "No government, for any consideration, least of all a money consideration, has right of any sort to transfer to its citizens its divine trust of enforcing law by punishing its violation. That the punishment of crime may be undertaken as a legitimate business enterprise is unthinkable." He compared it to the ancient system, still in vogue in Asiatic countries, of farming-out the taxes. In practice, this system corrupts legislation, fixes in certain citizens a pecuniary interest in crime and its conviction, and greatly lessens the educational force of law. "Under such a system justice and moral reform would be miracles not to be expected this side of the millennium."

At night the First Presbyterian Church was filled to the extent of its capacity, to listen to addresses by Mr. Henry W. Hilliard, the Rev. Dr. Hawthorne, Mr. Round, and General Brinkerhoff.

Third Day—Monday.

The discussion on prison architecture, in the morning session of Monday (at Concordia Hall), revealed a wide diversity among wardens as to details of construction. The opening address was made by Warden Patterson, of the Cleveland (Ohio) House of Correction; and he was followed by Wardens McClaughry and Felton, of Illinois; Massie, of Toronto; Brush, of Sing Sing; Wright, of Allegheny; Cassidy, of Philadelphia; Warner, of Hoboken; and Prof. Francis Wayland, president of the Connecticut State Prison, where a new building is in process of erection.

On reassembling after dinner, the subject of prison diet was taken up, under the lead of Warden Brush. Mr. Wines thought that prison diet should not be made too attractive. The discussion took a wide range, and much time was devoted to debating the propriety of allowing presents to prisoners by their friends, particularly articles of food. Some thought that this practice leads to partiality and creates dissatisfaction; others, that whatever keeps alive the love of home in a prisoner's breast is a reformatory force. The diets in use in the prisons of Massachusetts, Michigan, Canada, New Hampshire, Illinois, and Pennsylvania were described. In all of them the aim is to give the prisoner an abundance of food, well cooked and well served. Whether prisoners should eat in their cells or at a common dining-table, the wardens could not agree. Mr. Weeden, of Rhode Island, thought that they should be allowed to converse with each other while eating, as an aid to cheerfulness and digestion.

At night Dr. John Morris, of Baltimore (Maryland), read a striking address on "The Duties and Responsibilities of the Prison Physician," which was warmly commended by Drs. McGee of North Carolina and Powell of Georgia. Other remarks on this paper were made by Dr. Byers and Mr. Round.

Mr. Alfred H. Love, of Philadelphia, briefly presented the views of the Pennsylvania Prison Society.

Fourth Day—Tuesday.

The exercises of Tuesday were agreeably interrupted by the ceremonies attending the inauguration of General Gordon as governor of Georgia.

The morning session, which was shorter than usual, was devoted to remarks on moral and religious instruction in prisons, chiefly by the chaplains present, though addresses were also made by Wardens Tufts of Concord, Massachusetts, and Massie of Toronto. Col. Tufts insisted strongly upon the necessity of spiritual conversion: the regeneration of the prisoner should be the aim of all prison endeavor—without it, intellectual culture avails little. Mr. Massie spoke of the influence of example in prison and the need for officers and guards of high moral character. "One bad officer will in one day do more harm than can be overcome by the teachings and example of a pious officer in a week."

Seats had been reserved in one of the galleries of the Hall of Representatives for the members of the association, and in spite of the pressure of the crowd, most of them had the pleasure of listening to the inaugural address, which was strongly written and finely delivered.

In the afternoon, the report of the special committee on a federal prison for federal prisoners was called for and was read by Mr. Wines, the chairman, as follows:

The National Prison Association has, from its organization, favored and urged upon the government of the United States the creation and maintenance of a federal prison for offenders against federal laws. This recommendation rests upon the broad principle that it is the duty of every government to enforce its own laws, rather than to commit their enforcement into the hands of agents whom it does not appoint and over whom it can have no control, which is done whenever persons convicted by United States courts are sent to State, county, or municipal prisons. In our judgment, the government should meet and discharge its own responsibilities, instead of evading them. The present practice entails burdens upon the State governments which they ought not to be called to bear, inasmuch as, under it, they have to provide cell-room not only for their own prisoners, but also for others who do not come within the sphere of their jurisdiction. No inspection of prisoners scattered at a great number of points widely separated from each other can give the same guaranty of efficient control and humane treatment which is afforded, when the government itself appoints and discharges the officers into whose custody they are committed. In addition to these considerations, we suggest that it is the duty of the general government to illustrate, by the treatment of prisoners in national prisons, the most approved methods of construction, organization, and discipline, with a view to the reformation of convicts. The influence of such example would be felt by every prison in the land; and we, as a nation, would no longer occupy our present anomalous position as a nation without a prison, which farms out its convicts to the lowest bidder, and when invited to participate in an international prison congress, is compelled to respond that it has little or no business there. For these and other reasons we approve of the principle of the bill introduced by Mr. James, of New York, in the House of Representatives, and hope that it may receive careful consideration and, with whatever amendment may be necessary or expedient, become the law of the land.

We are glad to know that in expressing these views we are in accord with the Department of Justice at Washington, as shown by the last printed report of the Attorney-General.

Fred. H. Wines,
R. Brinkerhoff,
Committee.

Some objection was made to the adoption of this report, principally on the ground that it is not the policy of the association to declare itself on matters of legislation. It was, however, adopted.

The other standing committees reported progress and asked to be continued.

Two addresses were delivered in the evening: one on "Conditional Liberation, or the Paroling of Prisoners," by Mr. Fred. H. Wines; the other on "The Prison System of the Southern States," by Dr. P. D. Sims, of Chattanooga, Tennessee. The first of these appears elsewhere in the present number of The Record. We have the promise of a copy of Dr. Sims' paper in time for our January issue. He gave an admirable *résumé* of the history of prison reform, by way of an introduction; then pointed out the folly of allowing pecuniary considerations to control the question of prison organization and discipline; and passed to the comparison of results, in respect of the death-rate and the percentage of escapes, between leasing and non-leasing prisons. The death-rate, he said, in the former, was 64 to 1,000, but in the latter only 15 to 1,000; while the ratio of escapes, in the former, was 51 to 1,000, but only 5 to 1,000 in the latter. He asserted that in Mississippi one fifth of the convicts leased either die or escape, every year; and he blushed to admit that in Tennessee it is nearly as bad. But we will not anticipate the publication of this address in full. A number of those who heard it were impressed with the belief that it will have more effect in the direction of overthrowing the entire lessee system than the famous paper of Mr. Cable, read at Louisville and published in *The Century*, because it avoided all reference to the color-line and will be less likely to irritate those whom Dr. Sims seeks to convince.

Fifth Day—Wednesday.

The topic for the morning was "Reformatories." Col. Gardiner Tufts gave a very complete and interesting account of the Massachusetts Reformatory, after which he was subjected to a running fire of questions, the drift of which seemed to show a doubt in the mind of his interrogators as to the wisdom of carrying indulgent treatment to so great an extent as practised at Concord. One remark made by him, that "young prisoners are not as much contaminated by old ones as are old prisoners by young ones," elicited a sympathetic response from Warden Brush, who said that the old criminal generally says to the young one: "See what crime has brought me to." Dr. Byers agreed with both of them, as to penitentiaries where work is provided, but believed association in idleness, as in our county jails, to be most corrupting to the young.

Bishop Becker (R. C.) was introduced to the audience, and remarked that prison life should not be made too attrac-

tive; yet he condemned the working of a negro woman, with a ball and chain on her feet, at breaking stone in the public highway, as he had seen done in the State of Georgia.

Warden Watkins described the reformatory under his charge at Ionia, Michigan.

Mrs. Ellen C. Johnson, superintendent, spoke of the results of reformatory work with women at Sherbourne, Massachusetts.

Mr. Spaulding, secretary of the Massachusetts Prison Commission, confirmed the statements of Col. Tufts and Mrs. Johnson.

After adjournment for dinner, the subject considered was "The Prison Chaplain." Mr. Spaulding opened the discussion, which was carried on by Chaplain Hickox, of Michigan, and Chaplain Milligan, of Pennsylvania. Mrs. Barney, of Rhode Island, related a touching incident in her own experience in a manner which compelled even the gentlemen who were present to put their handkerchiefs to their eyes. Mr. Wines touched very lightly on the question of Catholic chaplains for Catholic convicts, and said that there can be no reformation of the prisoner through the violation of his conscience. He asked Mr. Moylan, of Canada, Inspector-General of Prisons, to speak, who took the same ground.

Mr. Hamilton W. Mabie, one of the editors of the *Christian Union*, read a very sensible article on "The Press and Crime," defending the press as the conservator of morals in so far as it confines itself to the exposure of crime, but condemning it as the handmaid of immorality when it excuses or glorifies the criminal.

Mr. James Massie invited the association to meet next year in Toronto.

An hour was given to the discussion of disciplinary punishments in prison.

At night the hall was, for the first time, well filled to hear Professor Francis Wayland, Dean of the New Haven Law School, on "The Incorrigible: Who is He? and What shall we Do with Him?" Mr. W. J. McGarrigle, of Chicago, formerly Chief of Police of that city, spoke on "The Policeman and the Criminal." Brother Justin, of the New York Catholic Protectory, closed the evening with a paper on "Kindness as a Factor in Reformation."

Dr. Wayland's point was: that incorrigible criminals should be imprisoned for life. The point made by Mr. McGarrigle was: that the policeman should be something more than a guardian of the public peace and safety, namely, an aid in the moral improvement of society and in the reclamation of the criminal.

Sixth Day—Thursday.

Immediately after an early breakfast, nearly all the members in attendance took the train, by invitation of the local committee, for Chattahoochee, to see for themselves a Southern convict camp. On their return they went again into session at Concordia Hall, to discuss the prison-labor question. The interest of the congress culminated at this point.

The debate opened by the reading of a carefully considered article by Mr. Charles E. Felton, superintendent of the Chicago House of Correction, the last paragraph of which may be quoted here:

> Toward the adoption, in all prisons, of the public-account system, we should unite our efforts. Still, the way must be prepared before making the change. Make your prisons more numerous, and smaller than many now existing, and classify them, that you may classify your convicts. Waste no more time in defending prison labor against the attacks of politicians and wage-workers, as they call themselves; but devote your whole energies in perfecting a system which will reduce the crime-class by reformation. If you must retain the present systems of labor for a time—as you must,—improve their administrations. Say to the contractor, that he shall not interfere with your discipline; and to the prison official that there is no system of labor which need estop him from introducing other methods which may assist in the education and reformation of the wards in his custody; and say to the legislator and to the governor, that it is child's play to make a toyshop of their prison-house, by changing its warden as often as the political wind changes. And wardens should tell their prisoners that reformation is not a sentiment only, but that it is a possibility, and may be a reality with them; and that they will assist in making it such.

Warden McClaughry, of Joliet (Illinois), defended the contract system, and deprecated the adoption of the constitutional amendment submitted to the people of his State at the last election.

Warden Massie, of Toronto, said that in his prison all three systems were in use. He preferred the piece-price plan.

Warden Brush, of Sing Sing, thought that it was of little use to talk about systems of prison labor; a cyclone is sweeping over the country, and we can only wait to see what can be saved out of the wreck. The purpose of the agitators is to put an end to all prison labor.

Warden Cassidy, of Philadelphia, believed in the public-account system, and claimed that his prison is the only one managed purely on that plan in the United States.

Warden Wright, of Allegheny, raised a laugh, at the last speaker's expense, by drawing out of him an acknowledgment that prisoners in the Eastern Penitentiary were knitting stockings for a manufacturer at so much a dozen. Before Mr. Cassidy could reply, the congress adjourned, the visit to the camp having greatly shortened the session.

On reassembling in the afternoon, Mr. Moylan delivered a fine address, explaining the Canadian methods of employing prisoners. He favored the piece-price plan, as least injurious to discipline and least liable to attack as competing with labor outside.

Then occurred the great event of the entire congress—the Rev. Dr. Tucker's defence of the lessee system, more properly styled a panegyric upon it. The hall was crowded with the *élite* of Atlanta, and the speaker was loudly applauded from beginning to end. Dr. Tucker said that he would confine his remarks to penitentiary convicts. All convicts ought to be required to labor, for reasons which he assigned. The next question is: What kind of labor should be preferred? Hard labor. The penitentiary is no place for fancy work. The hours of labor should be the same as for free citizens. The labor of convicts should be adjusted to their strength, and it should be of a kind to compete as little as possible with free labor. Labor which requires no intelligence and no skill, and nothing but brute force, is less remunerative than any other, and consequently, if interfered with, there is less loss than there would be in any higher grade of labor. The labor of convicts should be such as not to endanger their health, but rather promote it; and it should not be such as unnecessarily to depress their spirits—out-of-doors, rather than within prison walls. So, too, the social element in man should not be entirely crushed. Under whose auspices should prison labor be conducted? The best plan is to combine State control with private interest and management. The lessee system is the best possible. The lessees are almost sure to be men of character. This system provides for the poor convict somebody whose interest it is to see that he is well housed, well clad, well fed, and well cared for in every way. To prevent possible neglect or abuse on the lessees' part, let the State step in, with its officials armed with the fasces. As to the objection that the lease system is but a form of slavery, it is incumbent on those who raise it, to show how punishment can be inflicted without involving the element of slavery. He then recounted in detail the safeguards thrown around the system by the law of Georgia: the right given to the governor to annul the contract for violation of any of its provisions; the minute directions contained in the statute itself as to every detail of the prisoner's life; the thorough inspection of every camp once a month by the principal keeper or his assistant, and once in every two months by the principal physician, etc., etc. The labor is not excessive; the food is abundant in quantity, great in variety, and good in quality. The table service is very

rough, but the prisoners are, as a class, accustomed to nothing better. The same may be said of the sleeping accommodations. It is true that the convicts are chained while they sleep : on the other hand, it is true that the chain does not prevent their sleep, and they much prefer chains with society to cells with solitude. The death-rate, in Georgia, in 1882 was 8.8 in 1,000—lower than in any other State but Wisconsin (where it was 8.6), and Vermont (where it was 5.6). This is peculiarly significant, when it is remembered that the majority of prisoners in Georgia are negroes or mulattoes, who are liable to a higher rate of mortality, all over this continent, than are the whites. To the whole system there are two serious objections, however. One is, that its penal features are not severe enough (for colored prisoners) ; the other, that they are too severe (for whites). As to the first, he said :

> To one class of Georgia convicts the penitentiary is almost wholly bereft of its terrors. With these there is no loss of caste on account of their incarceration ; on the contrary, it rather contributes to social distinction, and ex-convicts, posing as heroes and martyrs, are met by their friends with formal receptions, with music, with prayer, and with shouting. The prison fare and all its accommodations are as good as the inmates need or desire, and the labor is of a kind that they are accustomed to. They wear a chain, but to them it is no great hardship. There is really very little punishment in the case. What punishment there is consists almost wholly in three deprivations, and for the sake of alliteration, which has been very popular at the South for the last year or two, these three may be called liberty, liquor, and lust. With the desire of these three things gratified, the condition of most of the convicts in the penitentiary would be like that of rabbits vindictively thrown by vicious boys into a brier patch. The truth is that as to this class of convicts the penitentiary is very little more than a wall between them and their vices.

As to the other :

> It may be foolish for men of one race to object to close proximity to men of another race ; it may be unreasonable, unphilosophic, and absurd ; it may be wicked, it may be devilish. Nevertheless, if that devil is in them and cannot be exorcised ; if their nature recoils with abhorrence, disgust, and loathing from a certain contact, it must be admitted that it is a great punishment to force that contact upon them. They may deserve it, but no man has a right to inflict such torture on another, even if he does deserve it. It is akin to the torture anciently practised, of tying a murderer to the dead body of his victim, limb to limb, from head to foot, until the decaying corpse brought death to the living. The present system is unjust, because it bears unequally. One man is beaten with many stripes, and another guilty of the same crime is beaten with few. The law ought to deal out its penalties with even hand, discriminating against none. But it does discriminate. It lays on the Caucasian a dreadful grief which the African does not feel. It is in vain to ridicule, or scoff at, or cant at, the sentiment referred to. The fact remains, and will remain, that there is a psychological repulsion between races, horrible to one but not to the other, and to ignore this fact is as unphilosophic as to ignore any other fact in nature. What would be thought of a man who, discovering a fact in physics, should attempt to set it aside, by appealing to sentiment, by reciting poetry, or by quoting Scripture ? A fact in metaphysics is as really a fact as a fact in physics, and must be handled with the same common-sense.

At the close of this remarkable utterance, the audience rose to its feet, and there was a buzz of conversation all over the room. Mr. Moylan, who was in the chair, had to request those who were talking to refrain or leave the hall, when they left in a body, and but few remained to hear the reply by Dr. Sims, who admitted that the lessee system is better managed in Georgia than in any other State where it prevails, but reiterated his statements of two days before, as to the system generally.

Warden Brush asked Dr. Tucker how he could claim that the death-rate was but 8.8 in 1,000 in the year 1882, and 22. in 1883–84, when the reports of the Georgia Penitentiary show 180 deaths in the past six years, with an average population of 1,100, or nearly 30 in 1,000. Dr. Tucker replied : " My arithmetic is right."

At night, Mr. Charles Dudley Warner, of Hartford. Connecticut, read a paper on " The Extirpation of the Criminal," in which he argued for more efficient preventive work on the one hand, and the indeterminate sentence on the other.

He was followed by Mr. Round on " The Organization of Prison Associations in the Several States."

On behalf of the Honorable W. H. Howland, mayor of Toronto, Mr. Massie read a paper on " The Discharged Prisoner."

The question of time and place of next meeting was then disposed of by the acceptance of the invitation from Toronto, and fixing the time for the 10th of September, 1887. Boston and Philadelphia withdrew their invitations in behalf of Toronto.

After the adjournment, the wardens present met in a parlor of the Kimball House, to talk over the prison-labor question further among themselves, as the time allowed for the discussion of it was felt by all of them to have been too restricted.

Seventh Day—Friday.

At the morning session Mr. S. C. Weeden, of the Rhode Island Board of Charities, described the State institutions at Cranston.

Capt. Daniel Russell, of Boston, spoke on the subject of aid to discharged convicts.

Mr. John J. Lytle, of Philadelphia, read a paper on the same general subject.

Chaplain Milligan thought no penal system complete without some organization for this purpose.

In the afternoon, inasmuch as Mrs. Johnson had been compelled to leave Atlanta, Mr. Spaulding described the methods adopted in the Women's Prison of Massachusetts.

Gov. Bullock suggested to the ladies of Georgia that they might, by a combined effort, induce the legislature to establish a State agency for the aid of discharged prisoners.

Mrs. Barney, for the National Women's Christian Temperance Union, urged the importance of having matrons in all prisons and at police stations, for the proper care of women under arrest.

Mrs. Harper, superintendent of prison work for the W. C. T. U. in Georgia, gave her experience in the jails and convict camps, and closed by saying that if she had to be a prisoner, she would rather serve out her sentence in a convict camp in Georgia—a State camp, not a county chain-gang—than in any penitentiary in the country.

At night occurred the usual parting, with resolutions of thanks for courteous treatment received, and speeches of mutual congratulation. The resolutions were moved by Dr. Wayland, and supported by Messrs. Brinkerhoff, Massie, McClaughry, Love, Wines, Round, Cassidy, Barbour, and others. President Hayes summed up the conclusions arrived at by the congress. Ex-Mayor Goodwin responded for the city of Atlanta, and the Rev. Dr. Hawthorne made the closing address—a model of happy platform-speaking, —after which the meeting adjourned by singing the long-metre-doxology to the tune of Old Hundred. So ended a very successful congress, which bids fair to yield much fruit, and that an early day.

On the last day of the congress, between the afternoon and night sessions, Governor Gordon gave a reception to the members, at the Executive Mansion, at which many citizens of Atlanta and members of the Georgia legislature were also present. He stated to the editor of The Record that it was his purpose soon to lay before the legislature a special message relating to the present prison system of the State, in which he should advance some novel and interesting views on the whole question.

A feature of this meeting was the exhibit of prison goods and appliances in two rooms adjoining the hall where the congress assembled. Among the articles shown were : a fac-simile of the model of the Eastern Penitentiary of Pennsylvania, forwarded to the International Prison Congress at Rome, and presented to the Italian government ; also a model of the new patent Rotary Jail, which attracted great attention, from the novelty of its design and the many excellent features which it presents.

The visit to Chattahoochee was an interesting event. Some of the delegates had seen the camp on Sunday, and reported it to be very dirty. But on Thursday morning it had been put in thorough order. The fences and cabins were resplendent in fresh whitewash ; the female convicts all rejoiced in new dresses, and were taken off the brick-yard ; new bedcovers were on the bunks in the barracks for men ; the stoves had been greased with bacon, until they fairly shone ; the floors were all swept, and the grounds cleaned up. The impressions made by this visit were of a mixed nature. The camp is so near the capital and so liable to visitation at all times, that it may be supposed to be one of the best in the State. It presents the appearance of a little village. The industry pursued is brickmaking. Most of the convicts are men ; nearly all of them are colored. They appear to be well-fed and jolly, and remind one of the stevedores on a Mississippi steamboat. Seven guards, with guns loaded with buckshot, are placed at intervals around the camp, and a number of hounds—not blood-hounds—lie about on the ground, ready to pursue and capture any who may attempt to escape. None of the women, it is said, are ever fettered. The men all have an anklet riveted on one leg—some of them have one on each leg,—to which is attached a short chain, with a ring at the other end. This chain is wrapped around the leg, over or under the trousers, during the day. The house where they sleep is built like a tobacco-barn, with hinged boards on the sides, running horizontally, which can be closed or swung open, according to the weather. A passage in the centre divides the two rows of bunks next the outer walls. At the foot of the bunks are stanchions supporting the roof, with a ring on each stanchion ; and through these rings, at night, as well as through all the rings attached to the convicts' chains, a long chain is passed and firmly secured at each end, which seems to be a safe and cheap way of holding them. The men do not appear to be overworked, and on the surface there is little reason to find fault with the arrangement. What lies beneath the surface is not apparent to a casual visitor.

The discourse of the Rev. Dr. Tucker was probably the best apology for the system that can be made. If so, there is little to be said in its behalf. A distinguished citizen of Georgia observed that it was the very charge of dynamite needed to blow up the entire structure. A Northern man remarked : "A strong man, but a very weak speech." It will scarcely bear critical examination : not so much on account of what he said, as what he left unsaid. There was in it no recognition of the convict's manhood, no manifestation of any Christian desire for his elevation in the scale of humanity, no sympathy with any intellectual or spiritual aspiration on the part of the prisoner, no suggestion that his reformation is a duty to be undertaken by those in charge of him, or an end to be desired in itself. It was a cold, hard, bitter, brutal demand for the utmost severity of punishment compatible with his physical health ; and the declaration that the chain-gang is the negro's paradise suggests the question : if that be true, what must be his every-day life ? We simply do not believe it.

The tendency of thought in the Prison Association becomes more apparent every year. The conviction is deepening, that felons who pursue crime as a vocation, or are driven to it by an irresistible natural impulse and propensity, should be permanently incarcerated, as an act of social security. This is the key-note of all the discussions by the members. At first, it was low and tremulous ; now, it has swelled into a firm and dominant tone.

In harmony with this central thought are all the other distinctly formulated thoughts entertained by the association.

Life-long incarceration of the incorrigible implies a distinction between the incorrigible and the corrigible. This again implies tests of reformability ; and such tests imply a reformatory discipline in prison. Life-sentences for recidivists, indeterminate sentences for first offenders, the mark system, classification of prisons, the progressive classifications of prisoners, conditional liberation, improved facilities for education in prison, the reformation of our system of prison labor—all of these are parts of the sifting process by which we seek in the end to eliminate from the community the dangerous element in society. This is possibly not what many would regard as a "humanitarian" purpose. It is humanitarian in the highest sense of the word ; but there is in it nothing of the honeyed sentimentality which the public supposes to be the animating motive of all efforts for the reform of prisons and the reformation of criminals. Our aims are misunderstood.

The happy union of the theoretical and practical elements in the association deserves a moment's notice. It is not a purely official body, concerned with nothing but the details of successful prison administration. Neither is it a convention of lawyers, to discuss theories of criminal jurisprudence ; nor of impracticables, insisting upon the application of the great law of love (interpreted to suit themselves) as the universal solvent of social ills. There is just enough of each of these three elements in it to preserve a just balance between them. The function of the prison in the mechanism of jurisprudence is a question for the legal profession ; the internal relations of a prison must be adjusted by inspectors and wardens ; but the infusion into prison discipline of the spirit of kindness and forbearance, and the insistance upon the moral regeneration of the prisoner, as well as his physical well-being and intellectual development, as an aim to be kept prominently and constantly in view, are the dictates of religion. If either of these ends were unrepresented in the association, it would not be what it is, and it would fail of making the impression upon public opinion which it is destined to make, so soon as it comes to be truly understood and appreciated.

At the annual meeting of the directors of the association, Mr. Hayes was re-elected president, and Mr. Round secretary. Mr. Jesup resigned his position as treasurer, and, at his suggestion, his nephew was chosen in his place. Mr. Richard Vaux, Mr. Robert C. Winthrop, and Governor Alger, were elected vice-presidents, instead of ex-Governor Hoyt, Dr. Pierce, and ex-Governor Jerome. Mr. Andrew E. Elmore was substituted for Col. Burchard on the board of directors, and additions were made to the board as follows : Mr. Moylan, for the Dominion of Canada ; Gen. Berry, for Minnesota ; Warden Dodge, for New Hampshire ; Warden Patterson, for New Jersey ; Mr. Weeden, for Rhode Island ; and Dr. Sims, for Tennessee. Several standing committees were appointed, among the rest one on publication, of which Mr. Felton is chairman, to relieve Mr. Round in part of the burden resting upon him as secretary. A fund of $550 was raised by subscription in a few minutes, Thursday evening, to secure the earlier publication of the proceedings, instead of waiting until a fund can be secured by individual membership fees. For this purpose, however, it will be necessary to have at least one thousand dollars, and prisons and reformatories which have not contributed are requested to send to Mr. Round such sums as they may be able to spare—say from twenty to fifty dollars each—in aid of the end sought, for which they will receive their proportionate share of the volumes, in accordance with the total cost and the total number subscribed for. Individuals who wish copies may apply to him for them, but should do so in advance : his address is 65 Bible House, New York City.

The Forum for July contained an article by Mr. W. M. F. Round on Some Experience with Criminals. The November number has one by Mr. Z. R. Brockway on The State and Criminal. Both are good.

OUR ENGLISH LETTER.

AID TO DISCHARGED PRISONERS.

I am honored by your invitation to write for the RECORD on Discharged Prisoners' Aid Societies. And as I find it impossible to regard Americans in any other light than as Englishmen who happen to live some way from me, I cannot hesitate to comply with your suggestion. I should be indeed happy if any words of mine should be of use in such a cause.

Let me begin by saying that any thing I know about the treatment of criminals has been learned from my uncle, Mr. T. B. Ll. Baker, whose letters you print. My ideas can have no better stamp than his approval. I send you, in case they may be of use to yourself or others, a bundle of papers connected with the question. I shall be most happy to send copies to any gentleman who may write to me, addressed—Rhyl, North Wales: and also to answer any letters on the subject. Any information which I can supply, or assistance which I can give, will be most willingly rendered.

In attempting to write more, I am embarrassed by the recollection that my experience is wholly English, and may not be applicable to America. Still, the general conditions of the problem must be the same in both countries. I will therefore do what I can.

I should say, then, that the work of a Discharged Prisoners' Aid Society is not really difficult. The main thing needful is to begin. All that is absolutely necessary is to find some one person of some education and judgment, who is willing to give a small amount of time to the work, as secretary, etc. Besides this, a small committee, and a small subscription list (I do not consider that the work should be very expensive) will suffice, at any rate for the first start. It seems to me that the better course is to commence operations on a small scale, and to leave the work of development to be carried out as need and opportunity arise. In England, considerable pecuniary aid is derived from the public purse, in the manner described in my pamphlet "Suggestions on the Formation of Dishcarged Prisoners' Aid Societies" (edit. 5), which I inclose. What aid of the same sort may be derived from public bodies in America, is a question which I cannot answer. Money so laid out is, at any rate, well invested. Unless discharged prisoners are enabled to support themselves by honest industry, they will assuredly *make society support them*, either as thieves or as prisoners. And in so doing, they will corrupt, as well as injure, the innocent.

Having then formed your society and found your secretary, and being possessed of some moderate funds, the next thing is to find and to select your discharged prisoners. Here, we, in England, are almost entirely dependent upon the prison officials, the governor, chaplain, etc. Some societies, indeed, have printed notices put up in the prisons, suggesting an application from prisoners on their discharge. But even so, the applications seem generally to come through the prison officials. How far the same state of things would prevail in America, I cannot say. But at any rate, I should think it most undesirable to assist an ex-prisoner, without first consulting the officials of his prison, and hearing what they have to say. It is almost an invariable rule in England never to assist a man who has not behaved well in prison.

Not infrequently, the governor or the chaplain of a prison is himself the honorary secretary of the Prisoners' Aid Society—a combination of offices which works very well.

Having selected your ex-prisoner, the question presents itself: where to place him for food and lodging, until he can obtain work. Some societies maintain a home of their own for this purpose. But homes are expensive; and the congregation of several ex-prisoners together in one such establishment is not wholly free from objection. On the whole, therefore, most English societies prefer to place their *protégés* in some respectable lodging-house of the commoner sort, where food and lodging can be obtained at a low rate; and paid for by the society. The object is, after all, to get the ex-prisoner off your hands as speedily as possible. How, then, is this to be done? In other words, how is work to be obtained? This, of course, is the ultimate object of the whole thing. Some few societies have tried to set up workshops, or provide other employment for ex-prisoners, on their own account. But this is obviously expensive and difficult; and has seldom been done with success—at any rate in England. Whether, under the altered conditions of American life, the plan would be more practicable, I cannot say. In other cases, attempts have been made to induce employers of labor, *out of philanthropic motives*, to give work to ex-prisoners. But this also has seldom met with much success. Of course, when trade is brisk and labor is in demand, there are certain large works, etc., in which employment may be obtained pretty readily at most times. But in England, for many years now past, this has ceased to be the case, unless in rare instances. It may be otherwise elsewhere.

The only method which my experience leads me to recommend is to treat each case individually, according to its own circumstances, and do the best you can with it. Put the man fairly into the labor market, and push him as you can. Above all, insist on the man himself doing all he can; and, if possible, get his own friends, if he has any, to help. If possible, avoid trusting the man himself with money. Provide him with clothes, tools, and what else he wants; pay travelling expenses, etc.; and let him have time to seek employment. Of course, he must not pick and choose; nor stand out for wages. He must take what he can get. Some paths of employment are closed altogether against a man without a character. In such cases try to find a new path for your *protégé*. Find out where the man was brought up, and all the different occupations which he has had through life. Sometimes some half-forgotten employment in early life, such as minding a horse or the like, will suggest an opening when other work seems hopeless. At any rate, persevere and try all chances; and insist on the ex-prisoner doing the same. He can usually do more to get work for himself (if he chooses) than you can do for him. See that he really does his best, under penalty of being turned adrift.

I have never yet known this course, if persevered with, utterly to fail. In twenty years' experience I have never yet been compelled absolutely to turn a man adrift who was able and willing to work, simply because no work whatever could be found for him. I admit that I have sometimes come near it, and that I have also sometimes kept men on, supported by the society, for a very long time. But it has never yet quite come to such a pass as I have stated above. And if this can be done in an old country like England, surely it can be done in a new one.

This brings me to a point which, perhaps, I ought to have touched upon before, namely, the employment of an *agent*, or of more than one agent. Unless the secretary is able and willing to do the agent's work himself, the services of an agent of some kind will, in most cases, be found necessary. His duties will be to take charge of prisoners upon the expiration of their sentence, to find work for them, to provide for their maintenance until they obtain work, and, finally, to watch over their subsequent conduct so far as may be thought advisable. The engagement of an agent does not imply an office, which in most cases may well be dispensed with. Moreover, a society starting upon a limited scale will not require the *entire* time and energies of its agent. Some one may be found to give a part only of his time to the work, at a proportionately reduced salary. Some English societies have agents in all the principal towns of the districts for which they act. These are persons engaged in

business or otherwise, as the case may be ; some of whom give their services gratuitously, while others receive a small fee for each case referred to them. Their expenses are, of course, repaid. In some one or other of these ways, the services of an agent may be obtained at no overwhelming cost.

A question may arise as to the *class* of prisoner to be befriended; *e.g.*, whether repeatedly convicted offenders should be assisted. My own feeling is, that if a man has behaved well in prison (imperfect as that test of sincerity is), and if he appears anxious to obtain the society's assistance, he should have it, however notorious an offender he may be. It is not the business of a Prisoners' Aid Society to shrink from an attempt to do good, because it is difficult. Moreover, if you deliberately refuse to help a man on these grounds, it is as good as to tell him to go again and steal, which seems a sad thing to do. Try such a man, I say : watch him closely, and test him, if you will, by keeping him near you for a time, before spending much money or pains upon him. If he is not in earnest, you will probably soon find it out. If he is in earnest, in God's name let him have whatever help you can give.

My experience is, that ex-prisoners are, on the whole, quite as likely to find work in their own towns, whence they came, as in strange places to which they may be sent. In so saying, I exclude such cases as sending a man to sea, or the like, where a definite object is in view. In ordinary cases I am apt to find the rule to be as I have above stated. The advantage of knowing the place, and having, at any rate, *some* friends, seems to counterbalance the obvious *disadvantages* of being probably *too well known*. But, of course, there are exceptions.

I have hitherto contemplated the case of a society desiring mainly to assist *male* prisoners. If *female* prisoners also are to be dealt with, additional difficulties may intervene. It is frequently necessary to place female prisoners in penitentiaries or homes of some sort, before any thing effectual can be done for them. Some Prisoners' Aid Societies maintain such homes themselves. Others depend on existing institutions for help in this way, either with or without payment out of their own funds, for such cases as they send.

In dealing with female prisoners it will usually be well to have the assistance of ladies. Some societies have committees of ladies acting conjointly with the general committee of the society. In other cases ladies may be members of the general committee. Several prisons in England have lady visitors, who, with the sanction of the prison authorities, regularly visit the female prisoners during their term of detention, and afterwards assist them, in proper cases, on their discharge.

I cannot close this letter without the expression of an earnest hope that any one who may read it, and who belongs to a district in which no means of caring for ex-prisoners exist, will consider carefully whether he cannot and ought not to do somewhat towards the establishment of a Prisoners' Aid Society. That the work is not difficult, I have endeavored to show. For myself, I can only say that, if I can give any aid to such a work, whether in America or elsewhere, I shall be happy to do so. I am sure that no one who has borne any part, however small, in the foundation of a new society of this character, will ever regret his pains.

T. Ll. Murray Browne,

Hon. Secretary of the Central Committee of Discharged Prisoners' Aid Societies, Charing Cross, London ; and of the Cheshire and Carnarvon Discharged Prisoners' Aid Societies.

Mr. Henry C. Burdett has at last brought out his new weekly magazine, entitled *The Hospital*. It is also printed in monthly parts for those who prefer it in that form. The publisher is Mr. William Keep, 30 and 32 Sardinia Street, in the Parish of St. Giles'-in-the-Fields, in the County of Middlesex, England ; and the price of subscription is *6s. 6d.*, post free. The first number appeared October 2d.

THE PRISON FOR WOMEN AT SHERBOURNE.

By Dr. Rose S. Bryan.

The proposition to establish a reformatory penal institution for women in Illinois leads me to ask the attention of those interested to the following statements regarding a like institution at South Framingham, Massachusetts. They are statements of facts which were facts in 1883–84. The changes which may have been made since that time at Sherbourne Prison do not render it less important fully to appreciate the possible sources of failure which then existed there, for an Illinois legislature may unwittingly commit the same blunders.

As to Commitments.

(1) The institution being supported by the State, every woman or girl sent to it from a county was an economy and a personal relief, of which county judges were not slow to avail themselves. They frequently claimed for vagrant, semi-imbecile, or inebriate women, who had long passed the prime of life, the benefits of the expensive attempt at reformation offered by the prison—an attempt which, in their case, was certain to end in failure, except as they were held behind prison bars.

(2) The comfort of the prison, and the faithful care given to those suffering from specific maladies, proved a temptation to idle and diseased women to *commit themselves ;* and any one so inclined could always find an obliging policeman who, for a dollar, would prefer the necessary charges. On the surface, this may seem a matter of trifling moment, since the woman doubtless deserved arrest. But the effect was bad, nevertheless, for these volunteer prisoners were not merely ungrateful for kindnesses shown them, and ready to take the officers (especially the physicians) to task for not giving them special attention, "as that was what they came in for"; but—more important still—they helped to do away with the remnant of disgrace felt by the other women. Why should A—— deem it a stigma to be the inmate of an institution which B—— assured her it was worth while to pay to get into ? The "Ladies' Prison" does not stand alone in this misfortune, however. A gentleman of Detroit has told me that the sailors on the lakes often deposit the money earned by them during the summer in bank in the autumn, to draw interest, and commit themselves to the workhouse as the cheapest and most comfortable way of spending the winter which they know. The same is doubtless true of all comfortable penal institutions.

(3) When I once urged a young girl to realize that she was punished justly by the law of the land *for a crime*, she replied to me : "No ! I am not. If it 's wicked to drink liquor, it must be wicked to sell it. Why don't they stop that ?" On another occasion I saw a little, white-faced creature, "in for a year," inadvertently recognized by a member of a legislative committee, who came to inspect the prison especially built for *women* who violate the seventh commandment. Under such circumstances, how salutary do you think their term in the penitentiary proved to either of these convicts ?

As to Reformation in the Prison.

Sherbourne is spoken of as a graded prison. There were certainly four divisions, and a probation department, in which each woman spends a month in solitary confinement on her admission—or two, if it is her second term. But this system in no wise separated different classes of offenders from each other. For almost every woman made the round during her term, which was ordinarily one year ; and as each division had its recreation-room, in which all the women intermingled freely for two half-hours during the day, the opportunity for each woman to learn every thing evil that there was to know was comparatively unrestricted.

And if a repentant girl tried to shun the evil conversation of her companions she had to run a boycott, which generally proved too much for her. Yet the sentiment of Massachusetts would oppose any curtailment of this damaging privilege. So I was assured by a superintendent who fully realized the evil.

Those who are not familiar with the criminal classes cannot understand that a thief may be a far more reclaimable character than a vagrant; that the most obedient woman in prison may be a perfectly hopeless character out of it, because she is necessarily what her surroundings make her—having no backbone of her own. Conversely, the "hardest case" may be the most hopeful, if you can only persuade her to face about! But the dreary march of the majority of those who compose the population of our prisons and almshouses from the street to the city jail, until the judge grows tired and dispatches them out of sight for a year, or else they go voluntarily to the poorhouse to recruit, makes one wonder if there is not something wrong in the constitution of things. If the temperate must drink, why can we not have an *intemperate reservation* to which to remove, without disgrace, those who have proved that they do not know when to stop? and so do away with the farcical institutions in which a boy or girl is *punished* for gratifying an appetite which has been deliberately fostered by their parents and law-givers.

Until our institutions *awaken a desire for reformation*, they will never reform any one. And to do this they must be just. A girl who has sold herself for the price of a dinner, must feel it bitter to help cut down to three or four cents the price of making a white shirt, while she learns nothing herself except one detail of the manifold whole. On the other hand, another who, however assailed, has defied temptation, must rebel (unless she values her good name above all worldly advantage) at a sentence which rewards her guilty companion with an elaborate training for self-support, which houses and feeds her, and sends her out at last, gay and glad, to a field where her antecedents are unknown.

The line between legal virtue and vice is very narrow. It may not seem to matter much if it be crossed before reformation is begun. But I beg the women of Illinois to consider whether a more elaborate and a wiser system of prevention would not return better dividends than any attempt at reform.

Cook County Infirmary, Chicago, November 1st.

DIRECTORS OF THE POOR IN PENNSYLVANIA.

By Robert D. McGonnigle.

The meeting of the Association of Directors of the Poor, at Scranton, October 13th and 14th, was the most interesting and best attended that we have yet held. About 125 counties were represented, covering one half of the State. The delegates were intelligent, and in this respect I can see a marked improvement in the character of those in attendance each year. Five new counties were represented. Altogether, I feel that our influence is growing, and by careful management our Association can be made to exert a powerful effect upon legislation in Pennsylvania. I know that the members believe that we occupy a position in the State which is seen to work for the good of our dependent classes. A strong committee on legislation was appointed, and I think that we can effect some new legislation on tramps and other matters of local interest to us.

We endorsed the work of the Children's Aid Society, and will use this organization as a means of finding homes for the almshouse children between the ages of two and fourteen years. We find that the children's law is working very well, and practically we have no almshouse children now in the State. This law, and that fixing the price of boarding the insane in hospitals at two dollars a week, were passed by our efforts; and if we had never done another thing, the effect of these two laws would more than repay us for all our trouble and expense.

The Society for Organizing Charity, in Philadelphia, the Children's Aid Society, the managers of the School for Feeble-Minded at Media, and of the State Lunatic Hospitals, are all in sympathy with us. At Scranton we had about twenty lady delegates in attendance.

The proceedings are now being put in shape for publication, and I shall be pleased to supply copies to yourself and friends, when they are ready for distribution.

I distributed specimen copies of the Record, and did what I could, in a quiet way, to present your paper to our members. The *Monthly Register* of the Philadelphia Society for Organizing Charity, for October, printed a pretty full account of our proceedings.

Pittsburgh, Pennsylvania, November 2d.

LEGISLATION ON INSANITY.

The true function of law, after the preservation of social order, is the protection of the weak against the strong; the contrary theory of the purpose of law converts it into an engine of oppression.

Indirectly, lunacy laws subserve the welfare of the entire community, the sane as well as the insane; but their primary end is the protection of the insane. To frame a law of commitment to lunatic asylums which would sacrifice the well-being of the insane to that of the sane, would be a monstrous act of injustice. It is *prima facie* absurd to assume that the sane need to be protected against injustice in the courts, when not only their appearance and actions proclaim them sane, but they have the right use of their faculties, to protest against any proposed injury likely to be done to them, and to protect themselves against it. Certainly, no human tribunal is infallible, and there is always a possibility of error in any judicial decision. In an inquisition in lunacy, there is a possibility that a sane man will be declared insane: on the other hand, there is the possibility that an insane man will be pronounced sane. Which is the greater probability? From those who have had experience in our courts, there can be but one answer to this question. Examine the court records, and see in what an insignificant proportion of cases the verdict fails to sustain the allegations contained in the preliminary statement. Follow the patients whose cases are disposed of, from the court-room to the hospital, and note how few of those found to be insane by the inquest are discovered, upon closer and more continued observation by physicians and attendants capable of forming an intelligent and unbiased judgment as to their condition, to be sane. The hospital records exhibit some such cases, but how few, in comparison with the entire number upon their rolls! What does this signify? Does it give rise, in any well-balanced mind, to the suspicion that there exists a gigantic conspiracy, in which physicians in practice, judges, juries, and superintendents of insane asylums are all involved, to incarcerate sane men and women? Think, for a moment, of the mathematical improbability attending such a supposition as that. The doctrine of chances is against it. The instances in which the friends of the party alleged to be insane are actuated by improper motives, constitute but a small percentage of the entire number. Of this fractional number, another small percentage are in a position to obtain a false verdict, through the employment of corrupt means. Finally, a false verdict is of no avail, without the co-operation, as a fellow-conspirator, of the medical superintendent of an insane asylum. The chance of success in this effort is therefore but a fraction of a fraction of a fraction. As a matter of fact, nearly all the alleged instances of false imprisonment in hospitals for the insane prove, upon examination, to have been cases in which the sanity of the person supposed to have been a victim of injustice is, to say the least, very doubtful: even if the patient is released by order

of a court—and it is far, far more commonly the case that he is remanded into custody—no one is punished for any attempted wrong, because the hearing itself shows that no wrong was intended. And the list of cases of release on habeas corpus is by no means a long one, taking all the hospitals in the country together, from the date of their organization to the present moment. The danger which lawyers and timid persons not in that profession think that they see looming up ahead is for the most part imaginary, a pure delusion. Sometimes it is possible to trace it to its original source in the fancy of some hysterical or eccentric individual, who has for a time been an inmate of an asylum, and, after his discharge, has been able to communicate his impressions to others, at once sympathetic and ignorant.

But again : the laws against false imprisonment are stringent and severe ; are they not sufficient protection against this peril, so far as it has any existence in fact ?

On the other hand, the consequences of a mistaken decision in the opposite direction are most serious. Often they are fatal. Many of the insane are suicidal or homicidal, but give no sign of what is passing in their minds, which a casual observer, unskilled in the manifestations of lunacy, would be likely to detect.

The following anecdote, by Judge Daly, Chief Justice of the Court of Common Pleas of the City of New York, which was told by him at the meeting of the National Prison Association, in 1876, is in point :

The daughter of a very distinguished clergyman of New Jersey, about twenty-four years of age, an exceedingly beautiful woman, who had been thoroughly educated, and was refined and elegant in her manners, ran away with her father's coachman, a little ugly Irishman, to the great consternation of her family, he being not only in no way attractive in person, but a very ignorant man. The afflicted father came to this city, whither his daughter had come, and applied to me for a writ for her arrest as insane. He brought the certificate of two eminent physicians, and on that I issued the order for her arrest, and she was brought before me. When I saw her, I was so doubtful upon the subject that I sent for a distinguished physician of my own acquaintance to examine her. He did so, and told me that she was insane. I said : "How do you know ?" Said he : "By her eye ; I have merely looked at her eye—that is sufficient." Before I proceeded to make a commitment sending her to the Bloomingdale asylum, she asked to have a few words of private conversation with me. I said : "Certainly." She retired into my back room, and, in a very lady-like manner, said to me : "This statement of my friends about my insanity is simply ridiculous. They are very much hurt that I should have fallen in love with the man that I have, but that is a matter over which I have no control. I am in love with him, and have determined to marry him, and have eloped with him for that purpose, knowing that my father and mother would never consent to the marriage. If it be insanity to be in love with a person whom other persons don't approve of, then I am insane. I am just as sane as you are." I looked at her ; I thought she was. I told her to sit down. The case had created great public interest at the time. It revived in the public mind, and especially in the Irish mind, the old ballad of the poor man that ran away with the rich man's daughter ; and produced such widespread sympathy that I think about five thousand persons were then assembled in front of the City Hall. It was the summer season. The windows of my room were up. I heard the noise, stepped in, and found that the lover, who was out in the crowd, had climbed up to the window, where she had met him ; and, as I entered, I heard the crowd call out, "Kiss her, Barney," and he was just in the act of complying, when I was timely enough to prevent him. The moment I did so, she ran over to the corner of the room, crouched down, and put her finger in her mouth, with an expression in her eye that I never saw before in a human being. I had then no more doubt about her insanity, and I directed her to be sent to Bloomingdale. The feeling, however, was so great that several thousand dollars were subscribed to pay counsel, and, after a long trial, in which the eloquent Mr. Hoffman was engaged, my commitment was sustained ; a divorce was granted ; and she was retained in the asylum, and, if still living, she is there now.

Judge Daly narrated a number of similar cases, and said : "No person in this country has a higher opinion of trial by jury than I have. My large experience has brought me to the conclusion that the trial by jury, as a general rule, is one of the best modes that has ever existed for the determination of controversies between man and man. But while I entertain this high opinion, I also think that a jury is particularly unfit to pass upon such a question as the insanity of a person accused of crime [of which alone he was speaking at the time, but the remark is equally applicable to persons not accused of crime], and my reason for so believing is, that that inquiry is so subtle and difficult, that, in a great majority of cases where that defence is set up, the jury, from a feeling of humanity, from the sense of awful responsibility, will take refuge in finding a verdict in favor of the prisoner ; and where they do not, that they are liable to make mistakes on a subject so difficult."

But where no such tendency exists, the lunatic who is found by a jury to be sane is by that mistake deprived of the treatment which is probably essential to his recovery. Worse than that, the fear and dread of the publicity attending an open trial in court, on the part of the patient's friends, is such, that they not infrequently delay and put it off, until it is too late to hope for the beneficial results of early treatment, which, in the case of the insane, is as important as it is in that of a broken bone. We know a judge in Illinois, who is publicly and privately an advocate of the compulsory jury trial of the insane, who, nevertheless, in a certain instance, where a personal friend, the husband of an insane wife, appealed to him not to subject him to the mortification of an exposure of her condition in the daily journals, himself attempted to secure her admission into an insane asylum, without a trial or a verdict, claiming that he had the undoubted right, "pending proceedings and previous to verdict," to "restrain temporarily of his liberty" the person alleged to be insane.

We shall resume this subject in our next number, and give an account of the method of execution of the law in the city of Chicago.

CRIME AND RESPONSIBILITY.

Dr. D. Clark, superintendent of the Toronto Asylum for the Insane, furnishes to the *Canada Medical and Surgical Journal* the following summary of his conclusions as to the moral and legal responsibility of criminals for criminal acts :

(1) The natural history of crime shows that brains of chronic criminals deviate from the normal type and approach those of the lower creation.

(2) Many such are as impotent to restrain themselves from crime as are the insane.

(3) Immoral sense may be hidden, from expediency, by the cunning ; seen even in the brutes, until evoked by circumstances.

(4) No man can shake himself free from the physical surroundings in which he is incased.

(5) Crime is an ethical subject to study, outside of its penal relations.

(6) Insanity and responsibility may coexist.

(7) Some lunatics can make competent wills, because rational.

(8) The monomaniac may be responsible, should he do acts not in the line of his delusion, and which are not influenced thereby.

(9) Many insane are influenced in their conduct, by hopes of reprieve or fear of punishment, in the same way as the sane ; the rudiments of free-will remain.

(10) Many insane have correct ideas in respect to right and wrong, both in the abstract and concrete.

(11) Many insane have power to withstand being influenced even by their delusions.

We hesitate to comment upon these propositions, without seeing the full text of the paper accompanying and illustra-

ting them. They appear to favor the doctrine that crime is a neurosis, closely resembling insanity in its physical and psychical characteristics; but that the inference must not be drawn that the criminal is irresponsible, since the lunatic himself is not so. If this is a correct interpretation of the writer's intention, in framing them, he has a protracted controversy on his hands, with alienists on one side and with criminalists on the other.

COST OF INSANE HOSPITALS.

Dr. Charles W. Stevens, of St. Louis, Missouri, publishes, in the tables appended to the report of the St. Louis Insane Asylum, one which purports to give the yearly cost of maintaining patients in eighty American institutions for the insane. We know the difficulty of preparing accurate statements of this sort, and we do not know how this table was made, nor for what years: we therefore do not endorse it, but give the results arrived at by the compiler, as follows:

McLean, Boston	$838 56	St. Peter's	$199 59
Bloomingdale	758 33	Winnebago	198 82
Friends', Philadelphia	669 00	Brattleborough	198 75
Pennsylvania, "	476 24	Norristown	198 53
Butler, Providence	443 56	Little Rock	196 75
Middletown, N. Y.	414 56	Danvers	196 32
Poughkeepsie	332 80	Auburn	195 99
St. Joseph	322 34	Worcester (acute)	193 21
Utica	292 44	Mount Pleasant	190 53
South Boston	277 68	Williamsburgh	187 92
Concord	275 19	Taunton	180 65
Government, D. C.	274 71	Dayton	179 68
Topeka	274 38	Rochester	179 15
Jackson, La.	272 47	Jacksonville	178 73
Austin	263 56	Anna	178 10
Morristown.	258 01	Middletown, Conn.	177 48
Buffalo	248 20	Indianapolis	177 02
Kankakee	243 84	Goldsborough	176 92
Dixmont	240 88	Nashville	173 68
Trenton	237 69	Mendota	169 02
Columbus	235 71	Cleveland	168 64
Fulton	235 51	Northampton	166 48
Warren	232 43	St. Louis	165 00
Harrisburgh	230 57	Lincoln	162 62
Augusta	228 95	Tuskaloosa	156 00
Newburgh	224 64	Salem	155 61
Lexington	224 20	Worcester (chronic)	155 48
Anchorage	224 09	Hopkinsville	151 46
Kalamazoo	223 74	Willard	150 27
Pontiac	218 26	Stockton	150 06
Raleigh	217 80	Napa	149 65
Morganton	213 00	Longview, Cincinnati	147 67
Independence	212 82	Columbia	146 96
Elgin	207 39	Staunton	139 98
Danville	204 70	Jackson, Miss	138 45
Milwaukee (county)	204 60	Richmond	130 82
Athens	204 36	Milledgeville	126 90
Osawatomie	202 74	Weston	114 23
Chicago (county)	202 10	Petersburgh	113 69
Catonsville	201 02	Blackwell's Island	86 95

The figures for Illinois in this table are certainly not correct.

BEEF TEA.—To give a patient beef tea as food, is to give him a stone when he asks for bread. What that tea needs is grape sugar. How can this be added? In all our prepared foods, known generally as "baby foods," starch has been converted into the soluble dextrine or maltose; the one grape sugar, the other only requiring a touch of saliva to complete its conversion. Add some of this material to the beef tea, and then food is supplied to the famishing system. Starch that has been long exposed to heat (either by the baking process or the malting process) is more or less completely converted into grape sugar. The saliva of a sick person is enfeebled,—but on this matter we have only broad impressions, and more precise information is desirable,—and so carbo-hydrates should be provided which do not require insalivation for their solution, being already soluble. Such carbo-hydrates are now to be had. Grape sugar itself is not too sweet to pall upon the palate when added to beef tea or other meat broth.—Dr. J. MILNER FOTHERGILL.

Charity is so difficult and perplexed a thing, that when a man has got hold of a clearly good charity which he can carry out, he had better do that thoroughly than dissipate his resources, mental and physical, in any efforts of a dubious tendency.—ARTHUR HELPS.

OUR BOOK-TABLE.

The Curability of Insanity: A Series of Studies by Pliny Earle, A.M., M.D. Philadelphia, J. B. Lippincott Company: 1887.

These studies are taken from Dr. Earle's annual reports as medical superintendent of the State Lunatic Hospital at Northampton, Massachusetts. No essays on insanity by any author within the past ten years have attracted wider notice or awakened deeper feeling. We are glad to see them reproduced in their present elegant dress, since we are convinced that their influence will be felt for many years to come, as the importance of the truth contained in them becomes more apparent.

We can only give here the substance of the author's deductions from an immense mass of statistics, in his own words, namely:

(1) The reported recoveries from insanity are increased to an important extent by repeated recoveries from the periodical or recurrent form of the disease in the same person; and consequently

(2) The recoveries of *persons* are much less numerous than the recoveries of *patients*, or *cases*; and consequently

(3) From the number of reported recoveries of *cases*, or *patients*, it is generally impossible to ascertain the number of *persons* who recovered.

(4) The number of reported recoveries is influenced, sometimes largely, by the temperament of the reporter; each man having his own standard or criterion of insanity.

(5) The large proportion of recoveries formerly reported was *often* based upon the number of patients *discharged*, instead of the number *admitted*, and, *generally*, upon the results in a number of cases too small to entitle the deduction therefrom of a general formula of scientific truth; and those proportions were evidently increased by that zeal and rivalry which frequently characterize the earlier periods of a great philanthropic enterprise.

(6) The assumed curability of insanity, as represented by those proportions, has not only not been sustained, but has been practically disproved by subsequent and more extensive experience.

(7) The reported proportion of recoveries of all cases received at the institutions for the insane has been constantly diminishing during a period of from twenty to fifty years.

In his last essay he remarks:

The most important general conclusions to be derived from the statistics included in this study, are: first, that the old claim of curability in a very large majority of recent cases is not sustained, and that the failure to sustain it is more apparent and more striking than at any antecedent time; and, secondly, that the percentage of reported recoveries of all cases received at the hospitals in this country still continues to diminish.

He thinks that "there is about as close an analogy between pneumonia and insanity as there is between a broken bone and a broken promise," and quotes Dr. Tuke, as follows:

I cannot agree with those who hold that we should regard each cure of insanity in a patient in the same light as each cure of a physical disease—pneumonia, for instance. Our experience proves but too clearly that the parallel is not a fair one, for the relapses after pneumonia and fever, when once cured, would be much less frequent than in mental diseases; and the patient himself would be generally a sounder man, *physically*, in the interval, than the re-cured lunatic is *mentally*. Besides, from the different functions of the organs attacked, the permanent consolidation of a portion of one lung may allow a man to perform efficiently the duties of his position in life; but the remains of an infinitesimal lesion of the brain may virtually incapacitate him from the efficient performance of his duties in the intervals between the attacks.

George Ide Chace, LL.D. A Memorial. Edited by James O. Murray, Cambridge; printed at the Riverside Press: 1886.—Pp. 271.

Dr. Chace, for more than forty years a teacher in Brown University, was also for several years chairman of the Board of State Charities of Rhode Island. He died April 29th, 1885, and this volume, which is privately printed, is a tribute to his memory. It includes, in addition to a biographical notice, eight lectures and essays delivered by him on various occasions. The following account of his labors on the State Board, etc., is from the pen of his friend and associate, Professor Gammell:

After the return of Mr. Chace from his visit to Europe and the East, he was not without some solicitude as to the manner in which he might

find occupation for his unaccustomed leisure. It was not long before he found himself fully occupied with new activities and cares. He had already, as early as 1870, been chosen a trustee of the Butler Hospital for the Insane, and had become much interested in the work of that admirable institution. He continued his connection with it for thirteen years. In May, 1874, a few months after his return, he was appointed by the governor of Rhode Island a member of the Board of State Charities and Corrections, which had been created a few years before for the management of the charitable and penal institutions belonging to the State. On taking his seat with his associates he was immediately chosen chairman of the board, and that position he continued to fill until his resignation in October, 1883, when his health was beginning to fail. In November, 1875, he was chosen a trustee of the Rhode Island Hospital, and in June, 1877, he was made president of its corporation. This latter office he continued to hold to the end of his life.

It was, however, in the Board of State Charities and Corrections that his duties became by far the most engrossing. It was of the nature of a public trust, and having been but recently created by the State it had not yet completed the experimental period of its existence. It was also requiring large outlays of money, and was naturally regarded with some misgivings, which made its success a matter of the utmost importance. This board, unlike those in other States, is not advisory in its functions, but purely administrative, and it exercises entire control over the institutions committed to its care, being responsible only to the legislature. When Mr. Chace entered upon his duties, the State farm in Cranston, some seven miles from Providence, contained only three of the institutions now established there. These were the Almshouse, the House of Correction, and the Asylum for the Incurable Insane; and for these the buildings had not all been constructed. The legislature, however, had decided that the State Prison and the Providence County Jail should be placed there so soon as the requisite buildings could be erected; and a commission had been created for erecting them, of which the chairman of the board was *ex officio*, a member. Subsequently the institution known as the Reform School of the City of Providence was transferred to the State, and additional buildings for separate reformatories for both sexes were built under the direction of the board. When these were completed the establishment at the State farm included six separate institutions, and in addition to these the board exercises an incidental supervision of the jails in the several counties of the State. These institutions now require not less than thirty-five separate buildings for their accommodation, besides houses for officers, attendants, farmers, and laborers. The larger part of these buildings were constructed while Mr. Chace was connected with the board, and more or less under his supervision. But in addition to the work of building was the associated work of laying out the grounds embracing a farm of more than five hundred acres, of enclosing the entire estate and the allotments of the several institutions with suitable walls, of providing roads for access to them, of making advantageous arrangements for gaslight, for abundant water, and for a system of comprehensive drainage. New legislation was also to be prepared for adoption by the General Assembly, and explained to its committees; and, what was not infrequently the most delicate and difficult task of all, suitable officers were to be selected and secured for the proper administration of a group of institutions so comprehensive and at the same time so diversified in their purposes and in the care which they required.

To this entire work in all its branches Mr. Chace gave himself with extraordinary energy and zeal. It occupied all his time, and wellnigh all his thoughts, until its accomplishment was secured. He withdrew from the board in October, 1883, after a period of service extending through nine years and five months, and when he had already passed his seventy-fifth birthday.

Prof. Chace will long be remembered with respect and affection by his associaties in the National Prison Association and in the National Conference of Charities.

Handbook for the Instruction of Attendants on the Insane. Boston, Cupples, Upham, & Co.: 1886.—Pp. 137.

How to Care for the Insane. A Manual for Attendants in Insane Asylums. By William D. Granger, M.D., First Assistant Physician, Buffalo State Asylum for the Insane, Buffalo, N. Y. New York and London, G. P. Putnam's Sons: 1886.—Pp. 96.

These two little manuals cover substantially the same ground, and are a sign of the times, in that they illustrate the growing sense, on both sides of the Atlantic, of the need of better nursing for the insane by trained attendants. The first-named is of English origin, having been prepared by a sub-committee of the Medico-Psychological Association appointed at a branch meeting held in Glasgow, February 21, 1884. The other, which appears to us to be rather better adapted to American use, grew out of the writer's personal experience in the work of teaching attendants how best to care for their patients, dating from October, 1883, when he began, at the Buffalo State Asylum, a course of instruction to women attendants, which, in July, 1885, was extended to men also. We commend both of them to the careful examination of superintendents, and believe that one or the other should be in the hands of every intelligent employé of any institution where the insane are cared for, including almshouses and prisons. Indeed, private persons with insane relatives would find it of advantage to read them.

Papers read before the Association for the Advancement of Women: Thirteenth Annual Congress, Des Moines, Iowa, October, 1885. *Buffalo, Peter Paul & Bro.:* 1886.—Pp. 117.

For this volume we are indebted to Mrs. Mary E. Bagg, who calls our attention to some sentences not quoted by the *Register*, in its reprint of her article entitled "Justice, not Charity, the Need of the Day," which show that by the word charity as opposed to justice she meant the popular notion of charity—impulsive and self-indulgent kindness. Her closing remark makes this plain:

> Humanity waits for the reign of that perfect love working in wisdom which was conceived of by St. Paul as a charity which is more than the bestowal of one's goods to feed the poor; a charity that tends to fulfilment rather than to laxity of law, that exhibits *the perfect mercy as identical with the perfect justice, and the infinite justice as one with the perfect mercy*, thus merging Love in Law, and Law in Love.

We find, in this pamphlet, also, a paper by Dr. Jennie McCowen, on "Women Physicians in Hospitals for the Insane—An Historical Retrospect."

The reports of the superintendents of the departments made to the Women's Christian Temperance Union, at its late annual session in Minneapolis, present a wonderful summary of work attempted and accomplished by that organization. Much of it is not strictly temperance work, except by indirection. Mrs. J. K. Barney reports on "prison, jail, police, and almshouse work." Some of the results may be briefly alluded to here. In Alabama, a movement for the establishment of an industrial home for juvenile offenders. In Arizona, a library of 1,500 volumes for the territorial penitentiary. In California, a reformatory home for women just started. In Colorado, much activity to secure funds for a State home for unfortunate girls. In Nebraska, the Buckingham Home established, at Omaha, for the shelter and care of unfortunate girls. In New Jersey, a movement to secure a separate prison for women and a reformatory for girls. In Texas, ground bought for a home for penitent women. The statistics and accounts of visits to jails and almshouses, addresses made to prisoners and paupers, books and gifts distributed, letters written, etc., etc., we do not attempt to give. "Temperance education" bills have become laws during the past year in Iowa, Maryland, Connecticut, and, by action of the National Congress, in the district of Columbia and all the territories. The "age of consent" has been raised in Iowa from ten to thirteen years; and in Massachusetts an act was passed prohibiting the sale or gift of tobacco to any child under sixteen years of age.

Essays and Postscripts on Elocution. By Alexander Melville Bell. New York, 48 University Place, Edgar S. Werner: 1886.—Pp. 212.

This is a capital book, full of good sense, and written in an entertaining style, which can be cordially commended to all teachers of reading, and to all who desire to read and speak well. It has a special interest for teachers of the deaf, since its author (who is the father of Prof. A. Graham Bell) was the originator of the alphabet known as "Visible Speech."

The price of subscription to the INTERNATIONAL RECORD is *less than two cents a week.* Who will say that it is not worth it?

CONDITIONAL LIBERATION;

or,

THE PAROLING OF PRISONERS.

There are two questions which, in this country, are too often confounded with each other, though they are in fact distinct. I refer to the question of the so-called "indeterminate" sentence, and that of the conditional discharge of convicted criminals, under parole. These two are, in fact, as we shall see, closely related to each other. But that they are not identical is evident, since we might have the indeterminate sentence without conditional liberation—the release of the prisoner might be absolute; or we might have conditional liberation under a definite and not an indefinite sentence. It appears to me that there will be some advantage gained if, instead of discussing them together, we discuss them separately, and take up the question of conditional liberation first, since that involves a less pronounced departure from the accepted principles and practices of existing criminal codes.

On this subject, a marked divergence between the drift of American and European thinking is apparent to the student, who discovers, on examination, that while in this country we incline to the indefinite sentence, in Europe the tendency is rather to conditional liberation under sentences which are of fixed duration.

Both in Europe and America the first experiments in the direction of conditional liberation were tried in the case of juvenile offenders.

The charter of the New York House of Refuge, in 1824, gave to the managers of that institution "power to place the children committed to their care, *during the minority* of such children, at such employments, and to cause them to be instructed in such branches of useful knowledge, as shall be suitable to their years and capacities; and they shall have power in their discretion to *bind out the said children, with their consent, as apprentices or servants*, during their minority." In 1840 the legislature of New York enacted that "whenever any person under the age of sixteen years shall be convicted of any felony, the court, instead of sentencing such person to imprisonment in a State prison, may order that he be removed to and confined in the House of Refuge." Here we have, first, the germ of the indefinite sentence, in the provision that children should be committed during their minority; second, the foreshadowing of the ultimate adoption of the principle of conditional liberation, in the provision that such children might be bound out as apprentices; and, third, the application of both to persons convicted of felonies, provided they were under sixteen years of age.

In France, when the cellular prison of *la petite Roquette* had been built for juvenile offenders in Paris, the prefect of police induced the Minister of the Interior, in the year 1832, to issue a circular ordering that prisoners discharged from this prison might be confided to the Society for the Protection of Juvenile Offenders of the Department of the Seine, which was authorized to apprentice them and to watch over their conduct. The effect of the French circular was such, that in a few years the percentage of juvenile recidivists, which had been as high as seventy-five per cent., fell to seven per cent. In 1840 M. Bonneville de Marsangy, an eminent judge, proposed that a measure which had proved so signally useful in the case of juvenile offenders should be made applicable to adult criminals; but it required the agitation of this question for nearly half a century before the French Parliament could be brought to adopt his views. I do not, however, find in the French legislation the clear recognition of either the principle of conditional liberation or the indeterminate sentence which appears in that of the State of New York. The indeterminate sentence does not seem to have been present to the mind of the Minister of the Interior; and it is not apparent whether the discharge of juvenile offenders from *la petite Roquette* ever took place prior to the expiration of a definite sentence; though the effect of committing them to the care of a society, which had power to bind them out, must have been the same as though the sentence had originally been, as it was in New York, for minority.

With respect to adults, the first application of the principle of conditional liberation or the "ticket-of-leave" was by the English government, after the failure of the system of transportation. By the law of 1847 this privilege was granted, I believe, only to convicts shipped to Australia; but by the act of 1853 tickets-of-leave were authorized to be granted also to convicts incarcerated on English soil. Out of this action by the English Parliament grew the Irish (or, as it is often termed, the Crofton) prison system.

The system of conditional liberation was adopted by the kingdom of Saxony in 1862. The same year it was also adopted by the grand duchy of Oldenburg.

The canton of Sargovie, in Switzerland, adopted it in 1868, and the kingdom of Servia in 1869.

The excellent results which followed the experiment in Saxony led to its embodiment in the criminal code of the German empire, which took effect on the first of January, 1871.

The example of Germany was followed by Denmark in 1873, and that of the canton of Argovie, the same year, by the canton of Neuchâtel.

In 1875 the Swiss canton of Vaud was added to the list, and also the kingdom of Croatia, in Hungary.

Then followed, in succession, the canton of Unterwalden, in 1878; the Netherlands, in 1881; and last of all, the French republic, in 1885.

This principle has further been incorporated into the projects of criminal codes under discussion in Austria, Italy, and Portugal; and it is admitted to be correct, both in theory and practice, by the most distinguished students of the prison question in various other countries—I might perhaps say, with truth, of all the civilized countries—in the world.

Even the empire of Japan has embodied it in the code of 1882, so that its opponents in this country may be fitly characterized as the victims of a more than Oriental conservatism.

The recognition of the principle of conditional liberation in the legislatures of the United States dates from the year 1868, when the legislature of the State of New York established the Elmira Reformatory. The form which it there assumed, however, was that of the indeterminate sentence, in a modified shape, so that the honor of having led the way in this particular belongs to our own country.

At the threshold of the debate, which is inevitable over the proposal to engraft this principle into any criminal code to which it has been heretofore a stranger, lies the question of fundamental importance: What is a parole? Is it or is it not a pardon? This question is not new, for it has been raised in every nation where conditional liberation or the paroling of prisoners under sentence has been discussed.

The importance of it is twofold. In states where, under the distribution of the powers of government by the constitution to the legislature, the executive, and the judiciary, the power of granting a pardon or commutation of sentence is the exclusive prerogative of the executive, any law which would infringe upon this prerogative would be unconstitutional; and if a parole is a pardon, any law which should authorize any person other than the Chief Magistrate to grant a parole would be such an infringement. This difficulty is overcome, in countries where a parole is regarded in law as an act of grace, by referring the recommendations of the prison authorities to the king or to his minister, acting in his name, for his approval. On the other hand, the view that a parole is a pardon, by necessitating such reference, is a hindrance to the free and unrestricted employment by prison officials of this agency for enforcing prison discipline, which is at the same time an

aid in the reformation of prisoners; and the effect upon the prisoner's mind is very different from what it is where he knows that he must earn his discharge, and feels, when released, that he has earned it.

I desire, with the modesty which becomes a layman in expressing a legal opinion, to give my reasons briefly for believing that a parole is not a pardon.

The precise point of distinction between a pardon and a conditional discharge from prison seems to be: that, when a convict is pardoned, his liability under the law ceases; the law has no further claim upon him. But, when he is paroled, so long as his parole lasts, and until his conditional release merges into one which is absolute, he is still in the custody of the law, and under sentence; whatever remains of his unexpired sentence may be enforced against him.

But it is not enough to indicate the point of difference. It is necessary to elaborate and illustrate it, and to show that the right to provide for the prisoner's conditional release inheres in the legislature, under our form of government; that we do not seek, in contending for this principle, to overthrow or set aside any recognized maxim of existing law.

The history of modern legislation on the subject of crime is curious, in this, that it is characterized by two great movements, of which one may be described as the gradual assumption, by legislative assemblies, of powers formerly residing in the crown; and the other as the voluntary relinquishment of powers once exercised by these assemblies, in order to vest them in the courts. In other words, the legislature has wrested from the crown the right to declare what shall be regarded and punished as criminal offences; but it has abandoned the right to decide who are criminal offenders. For, as Mr. Maine has pointed out, under Greek and Roman law, "the earliest criminal tribunals were merely subdivisions or committees of the legislature," and historically the jurisdiction of courts is a delegated jurisdiction. But the legislature has also acquired a right which it has not surrendered, namely: the right to determine what shall be the penalties visited upon offenders for specific crimes—a right which it exercises whenever it frames a criminal code. Now these three—the definition of crimes, the identification of criminals, and the application and enforcement of penalties—constitute all that is included under the general term, criminal jurisprudence. The theory of the pardoning power is simply this: that courts may err in the application of legal penalties to individuals, for want of evidence not forthcoming at the time of trial, or for other reasons, either by mistaking an innocent for a guilty person, or by imposing penalties disproportionate to guilt and therefore excessive; and, in that event, the power to correct such error must be lodged somewhere. It is in fact usually lodged in the executive, for convenience sake, and because it is the special function of the executive to enforce the law. But it is not necessarily vested in this branch of the government, nor is it always lodged there. The constitution might empower courts to correct their own errors; or it might allow legislatures to correct them by special statutes in individual cases. Where the jurisdiction of the legislature over crimes and criminals is not expressly limited by the constitution, it is unlimited. And the grant to the executive by the constitution of the right of pardon and commutation of sentence is not, in the nature of it, intended to prevent or forbid certain other modifications or abridgments of sentences formally pronounced by the courts.

For instance, the courts themselves claim and exercise the right to suspend sentence. Is that an infringement upon the prerogative of the executive?

Our existing codes provide, in certain cases, for alternative penalties, such as fine or imprisonment, the payment of a definite sum of money, or imprisonment for a definite period. The court fines the prisoner, and according to the statute he goes to jail, there to remain until the fine is paid or worked out. He earns his release from prison by a money payment. If the abridgment of his term of incarceration may be so earned, without being regarded as a pardon, why should his earning it, in conformity to law, by good conduct, be so regarded?

The "good-time" laws, embodied in the legislation of nearly every State in the American Union, are a statutory provision for the shortening of definite sentences imposed by the courts. In some States, I believe, the fact of a prisoner's having earned good time must be reported to the governor, who alone has power to order his discharge prior to the expiration of sentence. But in others this reference to the governor is not required, the constitutional clause giving to the governor the exclusive right of pardon to the contrary notwithstanding. But I am not aware that the constitutionality of a good-time law has ever been disputed on this ground.

I may remark, in passing, that the principle of the indeterminate sentence is implied in every good-time law. Since the conduct of the convict in prison cannot be foreseen by the court, the sentence pronounced is to this extent not a definite, but an indefinite, sentence.

If either conditional liberation or even the indeterminate sentence is an infringement upon the constitutional prerogative of the governor, and therefore unconstitutional, then every statute which authorizes the commitment of juvenile offenders during their minority, subject to be released on parole by the managers of the reformatory institutions in which they are confined, is, for the same reason, a violation of the constitution. The release of an adult criminal on parole is no more a pardon than is the release of an infant.

In a word, while an executive pardon is in effect a reversal or modification of the sentence by the court, neither a suspension of sentence by the court itself, nor the substitution of a money payment for a term in jail, nor the release of the prisoner under a good-time law, nor the paroling of a juvenile offender committed to a reformatory during his minority, implies any such modification or reversal of the judgment of the court. Any or all of these may be authorized, therefore, by the legislature, at its discretion, without interference with the governor's right of pardon, and therefore without violation of the letter or spirit of the constitution. But if this is true, I put the question whether the same distinction does not exist between a pardon and a parole in the case of an adult criminal, and I ask: Why should the constitutional objection be urged in one of these cases any more than in any other?

The right inherent in the legislature to limit the duration of imprisonment implies the right to dispense with the limits which it is authorized to impose.

If the criminal code itself provides that the judicial sentence pronounced upon a convict shall include the possibility of an abridgment of the term of his incarceration, upon certain specified conditions, then compliance on the part of the prisoner with the conditions imposed is not a setting aside of the sentence, but is in conformity with it and with the statute. Any abridgment of the term of imprisonment so earned (whether it be under a good-time law, under a law providing for the conditional liberation of prisoners under a definite sentence, or even under a law authorizing the imposition of indeterminate sentences) ought not to be regarded as an act of grace on the part of the government, but as the prisoner's legal right, of which not even the chief executive has the right or power to deprive him. Pardon, on the other hand, is the granting to the prisoner of that which is not his legal right.

In accordance with the views here expressed, the Supreme Court of the State of Ohio, in an action of *quo warranto*, brought by the attorney-general against the managers of the penitentiary, for the purpose of testing the constitutionality of an act passed in 1885 relating to the imprisonment of convicts, has expressly held and declared that a parole is not a pardon. In this opinion every American court will, I

think, concur, whenever the question shall be fairly argued before it.

If any apology is necessary for dwelling at such length on this point, the only apology which I can make is that the history of the discussion of the indeterminate sentence, both at home and abroad, shows that until this legal, quasi-constitutional objection to it is disposed of, no progress can be made in the working of securing a candid and careful consideration of its practical advantages.

But when this is once out of the way, the debate narrows down to two points: Is it desirable? and is it practicable?

Again, I beg you to remember that I am now speaking only of the parole system, not at all of the indeterminate sentence, which is a different question, and must be separately considered. Conditional liberation is simply authority vested somewhere to release a convict, prior to the expiration of sentence, on probation, if, in the judgment of those in the most favorable position for forming a correct opinion, there is good reason to believe that he will henceforth abstain from criminal acts; but he is released with the express understanding and reservation that, if he disappoints this expectation, and does relapse into crime, or manifests an alarming disposition to do so, he can and will be brought back to the prison at any time during the continuance of his ticket-of-leave and before his liability to the criminal law terminates by his absolute discharge from custody. It is not essential to the parole system that paroles should be granted by prison officers, or by courts, or by the governor. The legislature may determine to lodge this power wherever it will. But I have sometimes thought that, were I governor of a State, the power conferred upon me by the constitution would be sufficient to enable me to establish, in the penitentiary, simply as a matter of executive administration, and without any special legislation on the subject, all that is included in the parole system, in its highest form of development, including the progressive classification of prisoners, the mark system, and the ticket-of-leave. For the right to grant an absolute pardon seems to imply the right to affix conditions to a pardon, as is often done by the executive, in the practical exercise of this right. The right to pardon involves the right to promise a pardon. If, then, I should choose to promise a conditional pardon to every prisoner who should earn it by gaining the requisite number of marks and remaining for a given time in the highest class, and further, to promise an unconditional pardon at the expiration of a stated term to every paroled prisoner who should observe the restrictions imposed upon him by his ticket-of-leave, the parole system would at once be in full operation by my order as chief magistrate, subject only to the liability that my successor in office would overturn it, on taking his seat. If there are any who reply to this speculation that this is not the constitutional meaning and intent of the grant of the power of pardon to the governor, then they must admit that the establishment of the parole system by the legislature does not conflict with such grant. Those who agree, however, that a governor might do what I have imagined him to do, must, on reflection, perceive that the objections which may be urged to the indeterminate sentence do not necessarily apply to conditional discharges under fixed sentences; and that the issue which they raise, in objecting to paroles, is purely technical; it goes no deeper than the assertion that a parole can be granted only by the governor, and that the legislature must not interfere with him in this regard. But surely the legislature does sometimes give directions to the governor as to the method in which he shall exercise his prerogative. Are there not States in which a board of pardons is associated with him, to which he may refer cases for examination and report? And is it not better on every account that the parole system, if established at all, shall be put upon a permanent and equal basis of statutory enactment, rather than leave the application and maintaining of it to the caprice of successive occupants of the governor's chair?

As to the value and utility of the system, there is no room for argument. The argument *a priori* is all in its favor, and it is confirmed by the practical results which have followed its introduction, wherever it has been adopted.

The introduction of this principle into the administration of a prison, as the basis of its entire organization, affects it in every department. It changes at once the spirit which animates it. It implies and necessitates the adoption of a more or less strongly marked reformatory discipline, including increased attention to the prisoner's industrial, intellectual, and moral education or training. It throws upon the officers of the prison a new responsibility, that of judging at what moment each convict committed to their charge is fitted for the test of character outside of the prison enclosure: this compels more individual study of prisoners, and tends to break up routine treatment, which is the bane of every public institution. It is like a breath of fresh air in a crowded room.

On the convict himself it operates both while he remains in prison and after he leaves it. The two most inextinguishable and powerful passions of human nature are: hope, and the desire for personal freedom. To secure the coöperation of a prisoner in the effort for his amendment—and without his coöperation all external pressure in that direction must be unavailing,—it is essential to appeal to these instincts. The parole system impresses him with the conviction that his fate is in his own hands, and that his early liberation depends upon his amenability not simply to discipline in the usual sense of that term (meaning thereby conformity to rules which have no higher motive than the preservation of order), but to a *reformatory* discipline, which has for its object the eradication of criminal impulses, the implantation of higher moral motives than those which have previously actuated his life, and the development in him of the power of sustained effort and the gift of self-control. The system awakens in the breast of every prisoner, who is not sunk in intellectual or moral imbecility, the sense of individual responsibility, and stimulates it to the highest degree of activity which he is capable of sustaining.

There is not, in the life of a convict, any moment so full of peril to himself as that in which the door of the prison swings to with its ponderous clang behind him on the day of his discharge. Of weak moral nature, with hereditary or acquired predispositions to crime, branded as an unfit associate for honorable men, without money and without friends, and with no assurance of remunerative employment, his condition is pitiable in the extreme. If his incarceration has been of long duration, he has lost, to some extent, the faculty of adjusting himself to his new surroundings: we scarcely realize how fast the face of the world changes. There are men in prison to-day, who have never seen a railroad or a telegraph, and whose release would be like nothing so much as the awakening of Rip Van Winkle after his sleeep of a hundred years. And who can measure the fascination of the prospect of a fresh plunge into pleasures, often of a depraved sort, of which he has so long been deprived by force —the power of temptation over him, growing out of his temporary want of familiarity with it? It is then, if ever, that he needs a firm support, to save him from a relapse into crime. Such support the parole system gives him. Shall we deprive him of it, for the sake of a technical scruple?

But it is not so much for the prisoner's sake, as for that of society at large, that this innovation demands the serious attention of students of criminal jurisprudence. The suffering incurred by the wrong-doer himself bears but a slight proportion to that which falls upon the innocent through his imprisonment. Who can estimate the sufferings of his family and friends? What is the expense entailed upon the community for his maintenance as a prisoner? To what extent does crime tend to propagate itself under the double form of crime and pauperism? If crime is an evil, punishment is an evil also; the evil has merely changed its form

in the arrest and conviction of the culprit. As has been well said, legal penalty is a two-edged sword; it is the defence of justice by a wound inflicted upon justice. Its infliction often renders permanent a character and career which might otherwise have been merely temporary. Whatever tends to diminish the amount of it, without depriving society of the necessary guaranties of social order and security, should be hailed with acclamation by all the friends of humanity and progress. This the institution of conditional liberation does. The saving even in money which it effects is considerable, since it not only protects the public against unnecessary taxation for the maintenance of prisons, and renders it possible to dispense with cells which it empties (but which without it would be occupied), thus reducing the original cost of construction of prisons, but it puts the prisoner in a situation where he can support himself, and not only himself but his family, thus relieving the community of the burden of their support.

Further, it is the only practicable means of testing the prisoner's reformation in prison. It is a thorough test. It is a remedy for the acknowledged evils of an absolute discharge from prison without any test whatever.

Let us pass to the consideration of the practical difficulties in the way of its adoption.

The first of these is the ignorance and apathy of the public with reference to every phase of the question of prison discipline. Public sentiment is as yet unprepared for it. The same might be said, however, of every innovation—of the steam-engine, the telegraph, the telephone, and the electric light. Perhaps it is not strange that everywhere, as a rule, the most violent opposition to it in the first instance has come from the official class. Neither is it contrary to what we should naturally expect, to find the conservatism of the legal profession arrayed against it. Reforms do not usually begin with lawyers. But everywhere, where it has been put to the test of practical experiment, it has in a short space of time overcome this unreasoning prejudice, to which it would be absurd to pay serious attention.

There are those who see in it nothing more than the outcome of a false philosophy or a weak sentimentality, but they miss its real meaning. It is not essential to it that it should be connected with any special theory of crime or punishment. No school of criminalists has a patent upon it or an exclusive proprietary right in it. It must be discussed, apart from all theories of the nature and causes of crime, the rights of the criminal, the obligations of society, or the scope and purpose of the criminal law, purely as a practical question of criminal administration. Otherwise it will create for itself needless enemies.

Objection has been made to it on the ground that it is impossible to form a correct judgment of the character of a prisoner; that the worst men are most subservient to prison rules; that the convict is ordinarily a hypocrite, whose one aim in life is to impose upon the officers who have him in charge; and that the hope of release based on the prisoner's conduct is essentially a premium on hypocrisy. I have not, however, heard that our good-time laws are objected to for the same reason, but why not? The truth is that, even without an educational test in prison, the possibilities of successful imposition upon experienced men are not so great as they are represented to be; but, with such a test, they are reduced to a minimum.

Dr. Guillaume, of Switzerland, has very justly remarked, as to this point: "It appears to me that we have a right to believe in an alteration of character in a prisoner who, at the beginning of his term of incarceration, took delight only in reading of a frivolous sort, but after having attended school for several months, draws from the library none but scientific or other serious works, and assimilates their contents, as his teacher knows, from the answers given by him to questions put once a month to all prisoners concerning their reading." The educational test, for its successful application, requires a more extended curriculum in prison than merely elementary studies, such as reading, writing, and arithmetic; the prison school needs to be so organized as to furnish mental food and stimulus for men whose education and attainments are already of a high order. Mental development should be carried as far as possible; the prisoner should have enough to do to keep his thoughts busy with his lessons rather than with himself or with crime; and, if so occupied, the laws of his own being will of necessity transform him from what he was, to something higher and better, in the course of his term of incarceration.

An objection of a different sort is based upon the division of the Federal Union into separate States, with independent criminal jurisdiction, which naturally facilitates the removal of the paroled prisoner from the State in which he was held to another, from which he cannot be recalled and recommitted to prison. There is force in this argument, yet it is not so weighty as it at first appears. The experience of the State of New York has not shown that a large percentage of paroled prisoners remove outside of the jurisdiction of the State. The Swiss cantons are smaller than the American States, and yet they are not deterred by the proximity of other cantons from making use of the parole system. And it is always to be said, that what a man can or will do under a conditional discharge, he will be still more likely to do under an absolute discharge. So far as the State which adopts this system is in question, it loses nothing if paroled prisoners leave it for a more congenial locality, and other States can protect themselves by adopting the same system. In the last extremity, arrangements can be made between the States, which will secure to them the reciprocal right to recall paroled prisoners who have violated the conditions of their parole by crossing the boundary. But even if no answer could be made to this objection, it is not very important, unless it could be shown that the balance of inconvenience and loss arising from this cause will outweigh the benefits of the system in its application to convicts.

The supervision of a paroled prisoner cannot be, in America, what it is where they have a more efficient police. Our police is, for the most part, confined to cities and larger towns, while many criminals live or would find employment in rural districts, removed from police supervision. It has been suggested abroad that the task of supervision might be placed wholly or in part in the hands of prisoners' aid societies, but we have no such societies. At least they are few in number, and restricted in their activity; they could not, I think, undertake or successfully accomplish this work. But the employer of the prisoner—and a prisoner should never be paroled without employment first found for him—may be engaged to watch over him, and report to the authorities any apparent deviation from the path in which he should walk. Prison-Director Sichart, of Wurtemberg, has said that police surveillance is undesirable; that the paroled prisoner should not be subjected to unnecessary mortification; that what he requires is protection against any hindrance which may exist to his honorable success; and that in no event should surveillance of any description be continued longer than the circumstances of each case seem to require.

(*To be concluded next month.*)

OUR QUESTION DRAWER.

A correspondent writes:

When Pinel took charge, in 1793, of the Bicêtre, he liberated from fetters and close seclusion an English officer—a case of long standing, who rescued Pinel in turn from a mob in the streets of Paris, who were about to hang him to a lamp-post as an "aristocrat!" I think that Esquirol tells of this somewhere; can you tell me where?

Will some reader of THE RECORD kindly give the desired information?

There 's not a crime
But takes its proper change out still in crime,
If once wrung on the counter of this world;
Let sinners look to it.

LOUIS II. OF BAVARIA.

Dr. Ireland, in the *Journal of Mental Science*, gives a very entertaining sketch of the life of King Louis of Bavaria, which is too extended for us to reproduce it in full. The following are some of the most interesting passages :

King Louis became an enthusiastic friend of Richard Wagner, whose lofty ideas and tumultuous music were highly fitted to strike his imagination. He contributed largely to build the huge theatre at Bayreuth, and got the operas of the great composer performed on the grandest scale. He delighted to personate the Wagnerian heroes. His favorite character was Lohengrin, and in a boat on the Starnberg Lake he used to rehearse the part of the Knight of the Holy Grail. We are told that, finding the ordinary lake too realistic for this exalted personation, the Bavarian monarch got a large reservoir constructed on the roof of the Schloss at Munich, upon which, dressed in glittering armor, he sailed in a boat with a stuffed swan floating in front. As he wished to have blue water, it was colored with sulphate of copper. This solution acted upon the metal of the roof and streamed through the royal palace, spoiling the splendid furnishings, after which an optician was employed to give a blue tint to the water by colored light. He then complained that the water was too calm, so that workmen were employed to turn paddles, which made waves so effectually that the king was thrown into the water, on which he gave up further rehearsals on the roof of the palace.

We may take it for certain that the king's malady commenced in his youth ; that it was of slow growth, but continuous and progressive ; a rising self-will which, guided solely by his tastes and dislikes, brooked neither delay nor denial in the gratification of his fancies ; a gradual diminution of mental balance and self-restraint, complicated in the end with hallucinations, stormy fits of passion, violent assaults on his attendants, and orders for the assassination of those who had offended him beyond his palace walls.

In the report of medical evidence read to the Bavarian Landtag, symptoms of insanity were distinctly recognized since 1880. Baron Mundy tells us that the king had been insane for at least ten years before his death.

Vanity seems to be the besetting weakness of men of artistic tastes ; but the king seemed to regard as nothing the sympathy and admiration of other men, whom he only used as the means of helping him to gratify his dreams of beauty and art. He hated to be seen, and only enjoyed plays and operas when performed in a half-darkened theatre, he himself sitting alone. Once, at the Court Theatre, the entire audience—that is, the king—fell asleep during the play which followed the public performance. Nobody dared to awake him, and he slept for hours. When his Majesty opened his eyes, the play went on from where he had lost it, and it was finished some time the next day.

At court-dinners it was arranged that the guests were hidden behind vases of flowers and piled-up dishes, so that he might not be plagued by seeing them. A musical band drowned the sound of conversation. During the last years, as the love of solitude grew upon him, his dining-table was hoisted up, by means of machinery, through the floor, so that he could take his meals without seeing a human being.

When he wanted a thing, he must have it at once. When an idea occurred to him, it must be immediately put into execution. If he read of a piece of architecture, he would order a special train, to go to see it. He would order his equerries to be awakened in the middle of the night, to play at billiards with him, and dismissed one of them from his service because he came with his neck-cloth awry. He often slept all day and remained awake all night, sometimes reading, sometimes wandering about in the moonlight amongst the grand scenery surrounding his castles ; and during the winter he used to be driven about in a sleigh amongst the hill roads. The peasants would now and then see the splendid vision glide by—the outriders, the four plumed horses at full gallop, the carriage (a marvel of beautiful design) illuminated by electric light, and the king sitting within, alone.

His most expensive taste was building new palaces.

His dislike to being looked at went on increasing. At last the only woman whom he could tolerate was the Princess Gisela (daughter of the Emperor of Austria, married to Prince Louis, the second son of his uncle Luitpold), who had caught his fancy. He used to send presents to her by his equerry at any hour of the day or night. The messenger was ordered to deliver the gift to the princess herself, and she had sometimes to get up during the night to receive a nosegay or other mark of the royal esteem. Louis had long been in the habit of drinking a good many glasses of champagne before he could fortify himself to grant public audiences to ambassadors. His ministers found more and more difficulty in getting interviews with him. Sometimes he would interrupt their conversation by repeating pieces of poetry. For several years, during councils he sat behind a screen. The last secretary of the cabinet, Schneider, had never seen the king face to face. But the ministers said that his questions and remarks showed knowledge and shrewdness.

Latterly his intercourse was almost entirely with servants of a lower grade. He took sudden likings for troopers of his guard, got them to attend upon him, and then chased them away in a few days. For years his chamberlain, Meyer, had to appear before him in a black mask, as his royal master did not like his face. A servant whom the king thought stupid had to come with a black seal on his forehead, to indicate that there was some fault in his brain. The king generally rose at three o'clock in the afternoon, when he rang for his valet, who entered bending low. With a tablet on his knees, he received the royal orders. Louis would ask him sometimes as many as twenty questions. When these were written down, the king would give the order : "Now, answer." When the business was over, the servant had to go out walking backwards and bending low. A story is told that Louis, not thinking his lackey had bowed low enough, cried out angrily : "Bend lower!" The man bowed, and bent till his face nearly touched the ground, on which the Bavarian monarch gave him a kick on the chin. It appeared from the report laid before the Bavarian Landtag that thirty-two of his attendants testified to being beaten, kicked, knocked against the wall, or otherwise maltreated. Some of them had received large sums as a compensation. Many orders were given to his servants through the closed doors ; by tapping they intimated that he was understood. His habits became more and more degraded. He ate immoderately, and drank a great deal, principally Rhenish white wine, mixed with champagne and flavored with violets. They had to remove weapons from his reach. He several times ordered offending servants to be put in chains and confined on bread and water ; others to be put to death, and their bodies thrown into the lake. Luckily, he did not insist on seeing these orders carried out. He, however, ordered a secretary of state, von Ziegler, to be confined, and fictitious reports were sent him daily about this man's condition. He sent a trooper to an officer of high rank at Munich with a letter as follows : "The bearer dined with me yesterday at noon, and is to be instantly shot." When the Finance Minister announced that there was a deficit, and that they could give him no more money for his building of palaces, he sent a message to the States Commission to flog the dog, and put his eyes out. These orders for the execution of offending ministers were shown, signed by the royal hand.

His servants testified that for years he had suffered from pains at the back of the head, to which he had ice applied. He was troubled with sleeplessness, for which he took chloral. He had frequent fits of motor excitement, when he would leap, dance, or hop about ; sometimes he would tear his hair and beard. At other times he would stand still in one place. He had many delusions and hallucinations of the senses. He often heard steps and voices. During frost and snow he thought that he was beside the sea. He used to bow to particular trees and bushes, took off his hat to busts, and made his attendants kneel to a statue believed to be that of Marie Antoinette. He would tell a lackey to lift up things from the ground which were not there, and, when the man looked at a loss, would threaten to choke him. He fancied that he saw knives before his eyes.

One must remember that such symptoms and actions, concentrated, as it were, in a few sentences, did not represent the whole life of the unfortunate prince. They were spread over years, and diluted with more sensible acts. Had it not been for the importunity of his creditors, his extravagant demands upon the treasury, and his threats to hang the Finance Minister, if money were not forthcoming, his name might still be in the "Almanach de Gotha."

He built on an island the palace of Herren Chiemsee, in which Versailles was reproduced, room by room. He had gone incognito many times backward and forward to Versailles to compare the work, and his plans for decorating the interior struck the ministry with despair. The king sent agents to foreign princes to borrow money, to Brazil, Stockholm, Constantinople, and Teheran. The story of his promising the neutrality of Bavaria in the event of a war between France and Germany, as an inducement towards a loan from the Count of Paris, seems to have been true. He instructed his servant to organize a band to rob the banks of Vienna, Berlin, and Stuttgart.

Baron Mundy assures us that in the month of March Dr. von Gudden, the superintendent of the asylum at Munich for Upper Bavaria, was consulted, who declared that it was mental disease, not eccentricity, that was the matter with the king. In spite of this, Louis still continued in the possession of his legal rights as king for more than three months. It was not till the beginning of June, strange to say, that the Bavarian ministers were ready to take advantage of the article in the constitution which provided for proclaiming a regent in case of the serious illness of the king. On the ninth of June, Prince Luitpold, the king's uncle, the third son of Louis I., was declared regent, on the day before the king's insanity had been certified on oath by four physicians.*

The same day, a commission reached Hoherschwangau to communicate the new arrangements to the king. Louis, who was in the adjoining castle of Neuschwanstein, was first told by the coachman of what was preparing for him. He received the news with calmness, and at once prepared means of resistance. He collected all the *gendarmerie* about, issued a proclamation calling on his army to defend him, and sent for a regiment of jägers at Kempton, but their commanding officer, knowing the regent's proclamation, did not come. When the three members of the deputation reached Neuschwanstein, early next morning, entrance was denied to all save to the Count Holnstein, who was soon turned out, after a short and defiant interview with Louis.

The commission returned to the old castle, and in a short time a

* The medical certificate declared the king to be "suffering from that form of mental disease which is well known to alienist physicians of experience as *paranoia*." Paranoia is sometimes called primary monomania, or reasoning mania, or moral insanity. It is a very vague term, but conveys the idea that the derangement, whatever it is, is idiopathic—that is, constitutional, and that it does not affect all the faculties of the mind. In good American, a paranoiac is a "crank."—Ed. RECORD.

sergeant of *gendarmerie* appeared with a written order from the king to arrest them all. As they had no armed escort, and the sergeant was accompanied by a sufficient force, they judged it best to yield, and were marched off to Neuschwanstein. About an hour and a half after, three other members of the deputation, including Dr. Gudden and Dr. Müller, were also arrested and lodged in the castle. The king's orders were, to put out their eyes and tear the flesh off their bones. After two hours, the commissioners were released from their dangerous situation in the power of a lunatic ruler, as the gensdarmes had heard of the proclamation of a regency. They drove away instantly, without looking after their baggage, making the distance to Munich in an incredibly short time.

On the same day, the palace was surrounded by gensdarmes, under the regent's orders, and all the servants save two were withdrawn from the vast building.

At three o'clock on the morning of the eleventh of June, the commission again proceeded to the palace. The king was in the singing-saloon, when two keepers approached him. He immediately drew himself up, saying: "Oh, there they are already." He allowed himself to be conducted down the staircase, at the foot of which he met the commission. In a composed manner he said that he was powerless to contend with the measures taken against him; that he did not know who had turned the German empire against him, which he had ever upheld, that they should allow such things to be done. What pained him most was to be declared insane, and to be thought so by his people. He then gave his hand to Nickel, one of his attendants, thanked him for his true service, and mounted alone to the carriage, on the box of which one of the keepers had taken his place beside the coachman. The men who surrounded him wept aloud.

It took six hours to convey him to the Château of Berg. He was accompanied by Dr. Gudden and a staff of attendants. There was a good deal of discontent, especially amongst the country people, about this summary deposition. The king had received offers of support, and if he had taken into his head to escape, on the way to Berg, some mischief might have followed. He expressed his approval of what had been done to arrange the château according to his tastes, and talked in a friendly way to Dr. Gudden, and to Dr. Müller, his assistant.

On Sunday, the thirteenth, he took a walk about mid-day with Dr. Gudden, and his demeanor seemed quiet and friendly. About half past six in the evening he asked to take another walk in the park, and the doctor and his patient went out. Dr. Müller sent two keepers after them, but at the king's request they were turned back. When the king had not returned at supper-time (about eight o'clock) a search was commenced. The king's stick and Gudden's hat were found near the Starnberg Lake, and on sending a boat along the shore, about half past ten, two bodies were found floating with their faces downwards.

The circumstantial evidence afforded by an examination of the spot, showed that Louis must have led the doctor to the lake, and then rushed in. Gudden had followed him into the water and laid hold of him, when Louis had thrown off his overcoat and coat. Dr. Gudden, who was a man of sixty-two, had either been stunned or held under the water until drowned by the king, who was twenty years younger, and very strong. As Louis was a good swimmer, and as the water, where their bodies were found, was only about three feet deep and twenty paces from the shore, there is no doubt that the dethroned king had sought and found his death in the lake. The body of the devoted physician, who, true to his vocation, thought only of duty, was found nearest the shore, about half a yard from his royal patient. There were four scratches on the nose and a bruise on the forehead, which he had received in the struggle, The king's watch was found to have stopped at six minutes before seven, the water having got between the glass and the dial.

SOCIAL PARASITES.

In "Natural Law in the Spiritual World," Henry Drummond has some interesting and suggestive remarks on parasites in nature, the application of which to parasites in social life will be very apparent to those who have had much or even a very little to do with the pauper and criminal classes. We quote:

Parasites are the paupers of nature. They are forms of life which will not take the trouble to find their own food, but borrow or steal it from the more industrious. So deep-rooted is this tendency in nature, that plants may become parasitic—it is an acquired habit—as well as animals; and both are found in every state of beggary, some doing a little for themselves, while others, more abject, refuse even to prepare their own food.

There are certain plants—the dodder, for instance—which begin life with the best intentions, strike true roots into the soil, and really appear as if they meant to be independent for life. But after supporting themselves for a brief period they fix curious sucking disks into the stem and branches of adjacent plants. And after a little experimenting, the epyphyte finally ceases to do anything for its own support, thenceforth drawing all the supplies ready-made from the sap of its host. In this parasitic state it has no need for organs of nutrition of its own, and nature therefore takes them away. Henceforth, to the botanist the adult dodder presents the degrading spectacle of a plant without a root, without a twig, without a leaf, and having a stem so useless as to be inadequate to bear its own weight.

In the mistletoe the parasitic habit has reached a stage in some respects lower still. It has persisted in the downward course for so many generations that the young forms even have acquired the habit and usually begin life at once as parasites. The mistletoe berries, which contain the seed of the future plant, are developed specially to minister to this degeneracy, for they glue themselves to the branches of some neighboring oak or apple, and thence the young mistletoe starts as a dependent from the first.

Among the animals these lazzaroni are more largely represented still. Almost every animal is a living poor-house, and harbors one or more species of epizoa or entozoa, supplying them gratis, not only with a permanent home, but with all the necessaries and luxuries of life.

Why does the naturalist think hardly of the parasites? Why does he speak of them as degraded, and despise them as the most ignoble things in nature? What more can an animal do than eat, drink, and die tomorrow? If, under the fostering care and protection of a higher organism, it can eat better, drink more easily, live more merrily, and die, perhaps, not until the day after, why should it not do so? Is parasitism, after all, not a somewhat clever ruse? Is it not an ingenious way of securing the benefits of life while evading its responsibilities? And although this mode of livelihood is selfish, and possibly undignified, can it be said that it is immoral?

The naturalist's reply to this is brief. Parasitism, he will say, is one of the gravest crimes of nature. It is a breach of the law of evolution. Thou shalt evolve, thou shalt develop all thy faculties to the full, thou shalt attain to the highest conceivable perfection of thy race—and so perfect thy race—is the first and greatest command of nature. But the parasite has no thought of its race, or for perfection in any shape or form. It wants two things—food and shelter. How it gets them is of no moment. Each member lives exclusively on its own account, an isolated, indolent, selfish, and backsliding life.

The remarkable thing is that nature permits the community to be taxed in this way apparently without protest. For the parasite is a consumer pure and simple. And the perfect economy of nature is surely for once at fault, when it encourages species numbered by thousands, which produce nothing for their own or the general good, but live, and live luxuriously, at the expense of others.

Now, when we look into the matter, we very soon perceive that, instead of secretly countenancing this ingenious device by which parasitic animals and plants evade the great law of the struggle for life, nature sets her face most sternly against it. And, instead of allowing the transgressors to slip through her fingers, as one might at first suppose, she visits upon them the most severe and terrible penalties. The parasite, she argues, not only injures itself, but wrongs others. It disobeys the fundamental law of its own being, and taxes the innocent to contribute to its disgrace. So that, if nature is just. if nature has an avenging hand, if she holds one vial of wrath more full and bitter than another, it shall be surely poured out upon those who are guilty of this double sin. Let us see what form this punishment takes.

Observant visitors to the sea-side, or let us say to an aquarium, are familiar with those curious little creatures known as hermit-crabs. The peculiarity of the hermits is that they take up their abode in the cast-off shell of some other animal, not unusually the whelk; and hence, like Diogenes in his tub, the creature lives a solitary, but by no means an inactive life.

The pagurus, however, is not a parasite. And yet, although in no sense of the word a parasite, this way of inhabiting throughout life a house built by another animal approaches so closely the parasitic habit, that we shall find it instructive, as a preliminary illustration, to consider the effect of this free-house policy on the occupant.

There is no doubt, to begin with, that, as has been already indicated, the habit is an acquired one. In its general anatomy the hermit is essentially a crab. Now, the crab is an animal which, from the nature of its environment, has to lead a somewhat rough and perilous life. Its days are spent among jagged rocks and boulders. Dashed about by every wave, attacked on every side by monsters of the deep, the crustacean has to protect itself by enveloping a strong and serviceable coat of mail. How best to protect themselves has been the problem to which the whole crab family have addressed themselves; and, in considering the matter, the ancestors of the hermit-crab hit on the happy device of re-utilizing the habitations of the molluscs which lay around them in plenty, well-built, and ready for immediate occupation. For generations and generations, accordingly, the hermit-crab has ceased to exercise itself upon questions of safety, and dwells in its little shell as proudly and securely as if its second-hand house were a fortress erected especially for its private use.

Wherein, then, has the hermit suffered for this cheap but real solution of a practical difficulty? Whether its laziness costs it any moral qualms, or whether its cleverness becomes to it a source of congratulation, we do not know; but judged from the appearance the animal makes under the searching gaze of the zoölogist, its expedient is certainly not one to be commended. To the eye of science its sin is written in the plainest characters on its very organization. It has suffered in its own anatomical structure just by as much as it has borrowed from an external source. Instead of being a perfect crustacean, it has allowed certain important parts of its body to deteriorate, and several vital organs are partially or wholly atrophied.

Its sphere of life also is now seriously limited, and by a cheap expedient to secure safety, it has fatally lost its independence. It is plain, from its anatomy, that the hermit-crab was not always a hermit-crab. Its ancestors doubtless were more or less perfect crustaceans, though what exact stage of development was reached before the hermit habit became fixed in the species we cannot tell. But from the moment the creature took to relying on an external source, it began to fall. It slowly lost, in its own person, all that it now draws from external aid.

As an important item in the day's work, namely, the securing of safety and shelter, was now guaranteed to it, one of the chief inducements to a life of high and vigilant effort was at the same time withdrawn. A number of functions, in fact, struck work. The whole of the parts, therefore, of the complex organism which ministered to these functions, from lack of exercise, or total disuse, became gradually feeble ; and ultimately, by the stern law that an unused organ must suffer a slow but inevitable atrophy, the creature not only lost all power of motion in these parts, but lost the parts themselves, and otherwise sank into a relatively degenerate condition.

Every normal crustacean has the abdominal region of the body covered by a thick chitinous shell. In the hermits this is represented only by a thin and delicate membrane, of which the sorry figure the creature cuts when drawn from its foreign hiding-place is sufficient evidence. Any one who now examines further this half-naked and woe-begone object, will perceive also that the fourth and fifth pair of limbs are either so small and wasted as to be quite useless or altogether rudimentary ; and, although certainly the additional development of the extremity of the tail into an organ for holding on to its extemporized retreat may be regarded as a slight compensation, it is clear, from the whole structure of the animal, that it has allowed itself to undergo severe degeneration.

In dealing with the hermit-crab, in short, we are dealing with a case of physiological backsliding. That the creature has lost anything by this process from a practical point of view is not now argued. It might fairly be shown, as already indicated, that its freedom is impaired by its cumbrous skeleton, and that, in contrast with other crabs, who lead a free and roving life, its independence generally is greatly limited. But from the physiological standpoint, there is no question that the hermit tribe have neither discharged their responsibilities to nature nor to themselves. If the end of life is merely to escape death, and serve themselves, possibly they have done well ; but if it is to attain an ever-increasing perfection, then are they backsliders indeed.

A zoölogist's verdict would be that by this act they have forfeited, to some extent, their place in the animal scale. An animal is classed as low or high according as it is adapted to less or more complex conditions of life. This is the true standpoint from which to judge all living organisms. Were perfection merely a matter of continual eating and drinking, the amœba, the lowest-known organism, might take rank with the highest, man ; for the one nourishes itself and saves its skin almost as completely as the other. But judged by the higher standard of complexity, that is, by greater or lesser adaptation to more or less complex conditions, the gulf between them is infinite.

But the hermit-crab, be it remembered, is in no real sense a parasite. We must address ourselves briefly to the examination of a true case of parasitism.

We have not far to seek. Within the body of the hermit-crab a minute organism may frequently be discovered, resembling, when magnified, a miniature kidney-bean. A bunch of root-like processes hangs from one side, and the extremities of these are seen to ramify in delicate films through the living tissues of the crab. This simple organism is known to the naturalist as a sacculina ; and though a full-grown animal, it consists of no more parts than those just named. Not a trace of structure is to be detected within this rude and all but inanimate frame ; it possesses neither legs, nor eyes, nor mouth, nor throat, nor stomach, nor any other organs, external or internal. This sacculina is a typical parasite. By means of its twining and theftuous roots it imbibes, automatically, its nourishment ready-prepared from the body of the crab. It boards, indeed, entirely at the expense of its host, who supplies it liberally with food and shelter and every thing else it wants. So far as the result to itself is concerned, this arrangement may seem, at first sight, satisfactory enough ; but when we inquire into the life-history of this small creature, we unearth a career of degeneracy all but unparalleled in nature.

The most certain clue to what nature meant any animal to become is to be learned from its embryology. Let us, therefore, examine for a moment the earliest positive stage in the development of the sacculina. When the embryo first makes its appearance, it bears not the remotest resemblance to the adult animal. A different name even is given to it by the biologist, who knows it at this period as a nauplius. This minute organism has an oval body, supplied with six well-jointed feet, by means of which it paddles briskly through the water. For a time it leads an active and independent life, industriously securing its own food and escaping enemies by its own gallantry. But soon a change takes place. The hereditary taint of parasitism is in its blood, and it proceeds to adapt itself to the pauper habits of its race. The tiny body first doubles in upon itself, and from the two front limbs elongated filaments protrude. Its four hind limbs entirely disappear, and twelve short-forked swimming organs temporarily take their place. Thus strangely metamorphosed the sacculina sets out in search of a suitable host, and, in an evil hour, by that fate which is always ready to accommodate the transgressor, is thrown into the company of the hermit-crab. With its two filamentary processes, which afterwards develop into the root-like organs, it penetrates the body ; the sac-like form is gradually assumed ; the whole of the swimming feet drop off—they will never be needed again—and the animal settles down for the rest of its life as a parasite.

One reason which makes a zoölogist certain that the sacculina is a degenerate type, is that in almost all other instances of animals which begin life in the nauplius form—and there are several—the nauplius develops through higher and higher stages, and arrives finally at the high perfection displayed by the shrimp, lobster, crab, and other crustaceans. But instead of rising to its opportunities, the sacculine nauplius having reached a certain point turned back. It shrank from the struggle for life, and, beginning probably by seeking shelter from its host, went on to demand its food ; and so, falling from bad to worse, became in time an entire dependent.

In the eyes of nature this was a twofold crime. It was, first, a disregard of evolution ; and second, which is practically the same thing, an evasion of the great law of work. And the revenge of nature was therefore necessary. It could not help punishing the sacculina for violated law, and the punishment, according to the strange and noteworthy way in which nature usually punishes, was meted out by natural processes, carried on within its own organization. Its punishment was simply that it was a sacculina—a sacculina when it might have been a crustacean. Instead of being a free and independent organism, high in structure, original in action, vital with energy, it deteriorated into a torpid and all but amorphous sac, confined to perpetual imprisonment and doomed to a living death. "Any new set of conditions," says Ray Lankester, "occurring to an animal, which render its food and safety very easily attained, seem to lead, as a rule, to degeneration ; just as an active, healthy man sometimes degenerates when he becomes suddenly possessed of a fortune ; or as Rome degenerated when possessed of the riches of the ancient world. The habit of parasitism clearly acts upon animal organism in this way. Let the parasitic life be once secured, and away go legs, jaws, eyes, and ears ; the active, highly gifted crab, insect, or analid, may become a mere sac, absorbing nourishment and laying eggs."

There can be no more impressive illustration than this of what, with entire appropriateness, one might call the "physiology of backsliding." We fail to appreciate the meaning of spiritual degeneration or detect the terrible nature of the consequences, only because they evade the eye of sense. But could we investigate the spirit as a living organism, or study the soul of the backslider on principles of comparative anatomy, we should have a revelation of the organic effects of sin, even of the mere sin of carelessness as to growth and work, which must revolutionize our ideas of practical religion. There is no room for the doubt even that what goes on in the body does not with equal certainty take place in the spirit under the corresponding conditions.

THE DOCTOR OF DIVINITY.

A parcel of letters had been accumulating at the consulate for two or three weeks, directed to a certain doctor of divinity, who had left America by a sailing packet and was still upon the sea. In due time, the vessel arrived, and the reverend doctor paid me a visit. He was a fine-looking, middle-aged gentleman, a perfect model of clerical propriety, scholar-like, yet with the air of a man of the world rather than a student, though overspread with the graceful sanctity of a popular metropolitan divine, a part of whose duty it might be to exemplify the natural accordance between Christianity and good-breeding. He seemed a little excited, as an American is apt to be on first arriving in England, but conversed with intelligence as well as animation, making himself so agreeeable that his visit stood out in considerable relief from the monotony of my daily commonplace. As I learned from authentic sources, he was somewhat distinguished in his own region for fervor and eloquence in the pulpit, but was now compelled to relinquish it temporarily for the purpose of renovating his impaired health by an extensive tour in Europe. Promising to dine with me, he took up his bundle of letters and went away.

The doctor, however, failed to make his appearance at dinner-time, or to apologize the next day for his absence ; and in the course of a day or two more I forgot all about him, concluding that he must have set forth on his continental travels, the plan of which he had sketched out at our interview. But, by-and-by, I received a call from the master of the vessel in which he had arrived. He was in some alarm about his passenger, whose luggage remained on shipboard, but of whom nothing had been heard or seen since the moment of his departure from the Consulate. We conferred together, the captain and I, about the expediency of setting the police on the traces (if any were to be found) of our vanished friend ; but it struck me that the good captain was singularly reticent, and that there was something a little mysterious in a few points that he hinted at, rather than expressed ; so that, scrutinizing the affair carefully, I surmised the intimacy of life on shipboard might have taught him more about the reverend gentleman than, for some reason or other, he deemed it prudent to reveal. At home, in our native country, I would have looked to the doctor's personal safety and left his reputation to take care of itself, knowing that the good fame of a thousand saintly clergymen would amply dazzle out any lamentable spot on a single brother's character. But in scornful and invidious England, on the idea that the credit of the sacred office was measurably intrusted to my discretion, I could not endure, for the sake of American doctors of

divinity generally, that this particular doctor should cut an ignoble figure in the police reports of the English newspapers, except at the last necessity. The clerical body, I flatter myself, will acknowledge that I acted on their own principle. Besides, it was now too late, the mischief and violence, if any had been impending, were not of a kind which it requires the better part of a week to perpetrate, and to sum up the entire matter, I felt certain, from a good deal of somewhat similar experience, that, if the missing doctor still breathed this vital air, he would turn up at the Consulate as soon as his money should be stolen or spent.

Precisely a week after this reverend person's disappearance, there came to my office a tall, middle-aged gentleman in a blue military surtout, braided at the seams, but out at elbows, and as shabby as if the wearer had been bivouacking in it throughout a Crimean campaign. It was buttoned up to the very chin, except where three or four of the buttons were lost; nor was there any glimpse of a white shirt-collar illuminating the very rusty black cravat. A grisly moustache was just beginning to roughen the stranger's upper lip. He looked disreputable to the last degree, but still had a ruined air of good society glimmering about him, like a few specks of polish on a sword-blade that has lain corroding in a mud-puddle. I took him to be some American marine officer, of dissipated habits, or perhaps a cashiered British major, stumbling into the wrong quarters through the unrectified bewilderment of last night's debauch. He greeted me, however, with polite familiarity, as though we had been previously acquainted; whereupon I drew coldly back (as sensible people naturally do, whether from strangers or former friends, when too evidently at odds with fortune) and requested to know who my visitor might be, and what was his business at the Consulate. "Am I, then, so changed?" he exclaimed, with a vast depth of tragic intonation; and after a little blind and bewildered talk, behold, the truth flashed upon me. It was the Doctor of Divinity. If I had meditated a scene or a *coup de théâtre*, I could not have contrived a more effectual one than by this simple and genuine difficulty of recognition. The poor divine must have felt that he had lost his personal identity through the misadventures of one little week. And, to say the truth, he did look as if, like Job, on account of his special sanctity, he had been delivered over to the direst temptations of Satan, and, proving weaker than the man of Uz, the Arch Enemy had been empowered to drag him through Tophet, transforming him, in the process, from the most decorous of metropolitan clergyman into the rowdiest and dirtiest of disbanded officers. I never fathomed the mystery of his military costume, but conjectured that a lurking sense of fitness had induced him to exchange his clerical garment for this habit of a sinner; nor can I tell precisely into what pitfall, not more of vice than terrible calamity, he had precipitated himself—being more than satisfied to know that the outcasts of society can sink no lower than this poor, desecrated wretch had sunk.

The opportunity, I presume, does not often happen to a layman, of administering moral and religious reproof to a Doctor of Divinity; but finding the occasion thrust upon me, and the hereditary Puritan waxing strong in my breast, I deemed it a matter of conscience not to let it pass entirely unimproved. The truth is, I was unspeakably shocked and disgusted. Not, however, that I was then to learn that clergymen are made of the same flesh and blood as other people, and perhaps lack one small safeguard which the rest of us possess, because they are aware of their own peccability, and therefore cannot look up to the clerical class for the proof of the possibility of a pure life on earth, with such reverential confidence as we are prone to do. But I remembered the innocent faith of my boyhood, and the good old silver-headed clergyman, who seemed to me as much a saint then on earth as he is now in heaven, and partly for whose sake, through all these darkening years, I retain a devout, though not intact nor unwavering respect for the entire fraternity. What a hideous wrong, therefore, had the backslider inflicted on his brethren, and still more on me, who much needed whatever fragments of broken reverence (broken, not as concerned religion, but its earthly institutions and professors) it might yet be possible to patch into a sacred image. Should all pulpits and communion-tables have thenceforth a stain upon them, and the guilty one go unrebuked for it? So I spoke to the unhappy man as I never thought myself warranted in speaking to any other mortal, hitting him hard, doing my best to find out his vulnerable part, and prick him into the depths of it. And not without more effect than I had dreamed of, or desired.

No doubt, the novelty of the Doctor's reversed position, thus standing up to receive such a fulmination as the clergy have heretofore arrogated the exclusive right of inflicting, might give additional weight and sting to the words which I found utterance for. But there was another reason (which, had I in the least suspected it, would have closed my lips at once) for his feeling morbidly sensitive to the cruel rebuke that I administered. The unfortunate man had come to me, laboring under one of the consequences of his riotous outbreak, in the shape of delirium tremens; he bore a hell within the compass of his own breast, all the torments of which blazed up with tenfold inveteracy when I thus took upon myself the devil's office of stirring up the red-hot embers. His emotions, as well as the external movement and expression of them by voice, countenance, and gesture, were terribly exaggerated by the tremendous vibration of nerves resulting from the disease. It was the deepest tragedy I ever witnessed. I know sufficiently from that one experience, how a condemned soul would manifest its agonies; and for the future, if I have any thing to do with sinners, I mean to operate upon them through sympathy, and not rebuke. What had I to do with rebuking him? The disease, long latent in his heart, had shown itself in a frightful eruption on the surface of his life. That was all. Is it a thing to scold the sufferer for?

To conclude this wretched story, the poor Doctor of Divinity, having been robbed of all his money in this little airing beyond the limits of propriety, was easily persuaded to give up the intended tour and return to his bereaved flock, who, very probably, were thereafter conscious of an increased unction in his soul-stirring eloquence, without suspecting the awful depths into which their pastor had dived in quest of it. His voice is now silent. I leave it to members of his own profession to decide whether it was better for him thus to sin outright, and so be let into the miserable secret what manner of man he was, or to have gone through life outwardly unspotted, making the first discovery of his latent evil at the judgment-seat. It has occurred to me that his dire calamity, as both he and I regarded it, might have been the only method by which precisely such a man as himself, and so situated, could be redeemed. He has learned, ere now, how that matter stood.—HAWTHORNE, in Our Old Home.

The saints above are stars in heaven—
What are the saints on earth?
Like trees they stand whom God has given,
Our Eden's happy birth.
Faith is their fixed, unswerving root,
Hope their unfading flower,
Fair deeds of charity their fruit,
The glory of their bower.

—KEBLE.

THE HOSPITAL.

She stirred; the place seemed new and strange as death.
The white, strait bed, with others strait and white,
Like graves dug side by side at measured lengths,
And quiet people walking in and out
With wonderful low voices and soft steps
And apparitional equal care for each,
Astonished her with order, silence, law;
And when a gentle hand held out a cup,
She took it, as you do at sacrament,
Half awed, half melted—not being used, indeed,
To so much love as makes the form of love
And courtesy of manners. Delicate drinks
And rare white bread, to which some dying eyes
Were turned in observation. O my God,
How sick we must be, ere we make men just!
I think it frets the saints in heaven to see
How many desolate creatures on the earth
Have learned the simple dues of fellowship
And social comfort in a hospital,
As Marian did. She lay there, stunned, half tranced,
And wished, at intervals of growing sense,
She might be sicker yet, if sickness made
The world so marvellous kind, the air so hushed,
And all the wake-time quiet as a sleep.

—"AURORA LEIGH."

FACT AND OPINION.

The Insane.

Out of one hundred brain tumors, Dr. Hale White finds that ten, or possibly fifteen, might have been treated surgically, provided, of course, a diagnosis could have been made.—*Med. Record.*

It has been the practice, for some time, of the National Hospital for the Paralyzed and Epileptic, in Queen Square, London, England, to open the skull and remove diseased portions of the brain of patients suffering from severe attacks of epileptic fits.

Dr. Albert Ruault, in *France Médicale*, says that if firm and constant pressure is made over the supraorbital foramen, with the thumbs, while holding the head securely between the palms of the hands, a fit of hysteria can be controlled and quickly terminated. The moment that the muscles relax, the pressure must be removed, or the attack may be renewed. Pressure over any nerve-trunk, at the point where it becomes superficial, will have the same effect; but the supraorbital nerves are chosen because of their convenient situation.

In the Sligo District Lunatic Asylum, (Ireland), the "open-door" system has been carried one step further. The superintendent, Dr. Petit, says: "Following the example set me by my old master, Dr. Lalor, of the Richmond Asylum, I ventured upon the experiment of leaving the doors of both single rooms and dormitories open at night. There was some fear on the part of both officers and attendants that this change would result in injury to some of the patients from the violence of others, and the night attendants also dreaded that they themselves might be attacked. However, by trying the experiment gradually, I have now, at the end of three years, arrived at this state of things, namely, that out of a daily average total, in December last, of four hundred and twelve patients, only seven females and five males had their

doors locked at night. So far from being attended with risk, this change is now allowed, by all connected with the asylum, to have had a most tranquillizing effect upon the patients, besides being a decided improvement to the ventilation of the house at night. So satisfactorily, indeed, has it worked that, as the process of coloring and painting the divisions goes on, I am having the doors of most of the single rooms and all the dormitories taken off."

In the psychological section of the British Medical Association at Brighton, there was a general agreement amongst the members, that, in large asylums, an efficient medical officer should be styled "resident physician," and should have responsible charge of the purely medical work, his pay and position being such as to encourage him to make a career of this special work, remaining free from the cares of administration. The patients would thus have the advantage of constant medical treatment by a physician of experience in mental disease; this being hardly possible at present, owing to the large amount of administrative work which necessarily falls to the lot of medical superintendents. As the strictly medical treatment of insanity depends largely upon the patient's every-day surroundings, occupations, amusement, companionship, diet, etc., it is absolutely necessary that the chief administrative officer in a lunatic asylum should be a qualified medical man. No layman ever supervises the domestic arrangements in the true interests of the patients; he may possess the best intentions, but he has not the necessary knowledge.—*Journal of Mental Science.*

Hospitals and the Sick.

It is said that more than $200,000 has been subscribed for the purpose of establishing a free hospital in Detroit, Michigan.

The *American Lancet* says that the Noble County (Indiana) Medical Society receives $500 a year for caring for all the sick paupers in the county. The member nearest the pauper furnishes what medical treatment is necessary, and the society devotes the money received to build up a society library.

An Association Hospital was opened in St. Mark's Place, New York, October 10th. The association represents the Masons, Odd-Fellows, and several other orders. The special object of the institution is to serve as a retreat for the sick members of the contributing organizations, under the care, it is stated, of physicians of their own choosing.—N. *Y. Med. Journal.*

The degree to which the medical charities are abused in this country is beyond computation. Hospitals and dispensaries which were organized for the relief of the poor are daily thronged with the well-to-do; and even the rich do not scorn to take advantage of the services of the physicians which can there be obtained gratuitously. It was recently estimated that about one fourth of the inhabitants of Boston were receiving medical treatment free; in London and New York the proportion is about the same; in Philadelphia it is one fifth; and in Liverpool, 298,320 persons in a population of 549,724, or more than one half, are, according to the *British Medical Journal*, receiving free treatment in their illness. The evils of the gratuitous service to those who are able to pay are many, not the least of which is the effect upon those who receive it, lessening their self-respect and causing them to look about for gratuitous assistance in other directions.—*Science.*

A number of physicians in this city have recently received a circular signed by an "M.D.," as the director of a "Maternity Home" in New York, which seems to call for some public comment. This institution, of the existence of which we were not before aware, is one in which women, who are about to become mothers of illegitimate children, may get rid of all the inconveniences and responsibilities of motherhood for something more than $100; that is to say, for an entrance fee of $75 and board at the rate of $10 a week. For the additional sum of $25, the "staff" (who are said to be members of the County Medical Society and connected with the colleges and other public medical institutions of the city of New York) undertake to "remove" a child immediately after its birth, so that the mother "need not see it again." In addition to this tempting offer to those who are threatened with becoming the parents of illegitimate children, this circular contains the statement that "uterine cases" will be received at the rate of $25 a week, and that "a special fee will only be required for *capital operations*." To facilitate the complete and quiet accomplishment of the objects of this interesting institution, the circular states: "We are ready at all hours to send one of our physicians or nurses to any railroad depot or steamboat landing, or to *any* place in *any* State, to meet a person coming to our house; also to take charge of a child for adoption, upon receipt of the necessary expenses." These inducements are specifically offered to "unmarried females of respectable family," who are assured that their cases will be managed with perfect secrecy. The thought which naturally arises after reading this singular circular is simply this: If it does not propose the most cowardly crimes of the generation, namely, abortion and infanticide, it is very unfortunately worded; while if this is what it is meant to do, we hope that there is law enough, and decency enough, in New York City, to break up such an abominable concern.—*Medical News.*

Crime and Criminals.

Prevention of crime is as important as its punishment.

Ex-Governor Henry M. Hoyt, of Philadelphia, is charged with framing the laws organizing the new Reformatory at Huntingdon, Pennsylvania. The establishment has cost a round million, and is said to be a first-class equipment for an adult reformatory.—*Summary.*

In Philadelphia, the whole cost of its judicial and political machinery for public protection and safety—the arrest, trial, and conviction (or acquittal) of offenders, and the incidental expenses—was $1,696,969.47 for the last year (1855). Each of 28,814 arrests cost $58.90. So says Mr. Vaux, in his pamphlet, "Locked Up."

To properly administer the discipline of a penitentiary requires capacity, ability, honesty, knowledge, training, and special instruction for those employed. The officers should be carefully selected for their qualifications, instructed as to their duties, and the tenure of their office should depend entirely on their developed fitness. It should be a vocation.—RICHARD VAUX.

During the year ending October 31st, the Massachusetts Reformatory at Warnerville discharged conditionally 435 men, of whom, at that date, 29 had been returned for violation of permit, and 10 had been sent again to the institution on new sentences. There were remaining, at that date, 699 prisoners, 66 of whom had not lost a mark during the term of their incarceration. Twenty of these men with a perfect record had been in prison for a year or more. The number in the third (lowest) grade was 40.

Some consternation may be produced among a certain class by a recent judgment of Justice Wills, of the Central Criminal Court, England. The charge against the prisoner was in two counts—one that he had had carnal knowledge of an imbecile woman aged eighteen years, and the other (under 24 and 25 Vict. c. 100, s. 47), for a "fraudulent assault" upon the same woman, occasioning her actual bodily harm. The harm done was the wilful infection with syphilis. The prisoner was found guilty on both counts, and sentenced to two years' imprisonment for the first and five years for the second. The more remarkable piece of information is that a man who has immoral sexual connection with a woman, knowing himself to be suffering at the time from gonorrhœa or syphilis, is liable to prosecution and penal servitude.—*Medical Record.*

The penal colony is not possible for a State. The federal authority has no right to establish one. The States have rights that are beyond federal interference. They should never be surrendered. Exile for crime is not American. Any attempt of the federal government to buy land for the purpose of establishing a penal colony for the detention and punishment of prisoners convicted by the States for violating State laws, would be a revolutionary proceeding that would excite the earnest condemnation of the people. No part of a present territory should be used for such a purpose. Where is there to be found in the federal Constitution the power given to Congress to exile the citizens of States, even if they are convicts? If it can be believed that such an attempt would be made, under the wildest latitudinarian construction, then the land so appropriated could only be held under a territorial or a military system of government; and in time it might be annexed as a State, if political necessities demanded it.—RICHARD VAUX.

Miscellaneous.

Mr. Theodore Gray, a deaf-mute, has been admitted as a student to the Johns Hopkins University, Baltimore, Maryland.

According to M. E. Laveleye, the consumption of ardent spirits in Belgium has nearly doubled in fourteen years, and is now surpassed only by that of Denmark and Russia. There is a place for the sale of drink to every forty-four inhabitants, or one to nearly every ten families.

The vital statistics of Paris show twenty-eight per cent. of all children born there to be illegitimate. M. Bertillon stated, in a lecture recently delivered at the Hygienic Exhibition in Paris, that eight per cent. of all the births in France, during the past year, were illegitimate—being the largest number of illegitimate births ever recorded.

The Illinois Soldiers' and Sailors' Home, at Quincy (though not yet completed), was dedicated, with appropriate ceremonies, which lasted during three days, October 19th–21st. An immense concourse of people was in attendance from all parts of the State. The principal speeches were by Senators Logan and Cullen and Governor Oglesby.

Dr. E. Baelz, in a communication to the German Anthropological Society, 1885, No. 10, says: "Near the bathing resort, Atami, there is situated a small island, named Hatsushima. The inhabitants of that island, nearly 300 in number, have for more than 200 years married exclusively among themselves; strange blood has never entered the island. They live by fishing and from the proceeds of a small trade with the neighboring coast. They are physically and mentally quite normally developed, and their statistics show a larger number of births and a smaller proportion of deaths, in proportion, than any other part of the Japanese empire."

M. Maurel asserts that the blood is of different degrees of richness in the different races, and gives the following as the result of his investigations on this subject (*Gazette des Hôpitaux*, August 28, 1886). The black race appears to have the richest blood (5,1126,256 red blood globules in a cubic millimetre); then come the Indo-Europeans (Europeans, 5,000,000, and Hindus, 5,008,222); and finally the yellow races (Khmers, 4,474,751; Chinese, 4,334,861; Annamites, 4,238,731). There are also marked differences in the number of white corpuscles. The Hindus have the largest number, 5,549; then the Khmers, 5,519; Europeans, 5,000; Chinese, 4,611; Annamites, 4,123; and finally the black races, 3,823.